



# Journal of the Senate

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## CALL TO ORDER

The Senate was called to order by President Lee at 10:18 a.m. A quorum present—38:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wise
Crist	Margolis	

Excused: Senator Wilson; Senator Carlton periodically for the purpose of working on the appropriations bills

## PRAYER

The following prayer was offered by Father Jeff McGowan, Queen of Peace Catholic Church, Gainesville:

Together, we just pause a moment and call to mind the presence of our healing and loving creator:

O magnificent majesty, mighty creator and giver of life and every good gift in this life, we praise you for this day and all the opportunities we are given in every breath we take. We thank you for blessing us with where we live in this bountiful country and spectacular state.

We ask you to bless this legislative body in their lives and in their work. Help them seek the greater good for the people of our state. Give them the joy of service and the strong sense of meaning and purpose that inspire noble achievement.

We thank you, God, for the talent, the energy, the ambition, the teamwork, the leadership that has brought the National Basketball Championship to the great University of Florida Gators. We ask continued blessings upon our players, our coaches and our administrators. May

their team spirit inspire a team spirit in every aspect of our lives, and a win-win spirit in this last week for this legislative session.

Lord, grant all those gathered here peace in their hearts and grant all of us safety for our children.

You, O God, are good all the time! Together, may we say, Amen!

## PLEDGE

Senate Pages Whitney Bell of Ft. Meade; Joshua Dolchin of Ft. Lauderdale; William "Will" Comber of Milton, Massachusetts, grandson of Senator Sebesta; and Robert Keiser of Parkland, led the Senate in the pledge of allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. Perry Lloyd of Ft. Pierce, sponsored by Senator Pruitt, as doctor of the day. Dr. Lloyd specializes in Internal Medicine.

## ADOPTION OF RESOLUTIONS

At the request of Senator Saunders—

By Senator Saunders—

**SR 2782**—A resolution commending Irma Rivera and Hector Ortiz.

WHEREAS, Irma Rivera and Hector Ortiz, her husband, have demonstrated the vital role that concerned citizens play in combating violent crimes against children through their own persistence and courage in rescuing a 13-year-old Guatemalan girl and her premature infant son, and

WHEREAS, Ms. Rivera, after befriending this young neighbor, discovered that she was being held captive as a domestic and sex slave and undertook an extended odyssey for more than a year of ardent and unflinching efforts to advocate for and free this child and, subsequently, her child from bondage at the hands of her captives, and

WHEREAS, the Rivera-Ortiz family are to be recognized for their compassion and dedication to end the indenture of a fellow human being and their dedication to assuring that the systems in place in the State of Florida work toward ending violence and involuntary servitude for all individuals who are subject to such crimes against humanity, and

WHEREAS, Irma Rivera and Hector Ortiz are commended for their courage and persistence and setting an example for all of the people of Florida to recognize and address the serious issue of human bondage and slavery, thereby assuring that any person living in Florida not be held as a slave or victim of human trafficking, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That Irma Rivera and Hector Ortiz are commended for demonstrating the value of human life for all of the people of the State of Florida through their courage and persistence.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Irma Rivera and Hector Ortiz as a token of the sentiments of the Florida Senate.

—**SR 2782** was introduced, read and adopted by publication.

At the request of Senator Argenziano—

By Senator Argenziano—

**SR 2848**—A resolution recognizing Breast Cancer Awareness Month.

WHEREAS, breast cancer is the most common cancer diagnosed in women in the nation, and

WHEREAS, Florida ranks third in the nation for total number of new breast cancer cases and deaths from breast cancer, and

WHEREAS, all women are at risk for breast cancer and the single most important risk factor is age, such that breast cancers predominantly occur in women age 50 and older, and the risk increases with age until age 80, and

WHEREAS, the American Cancer Society estimates that during 2006 more than 13,360 new cases of invasive breast cancer will be diagnosed in Florida, and approximately 2,570 women will die of the disease, and

WHEREAS, a woman living in the United States has a one in eight chance of developing breast cancer, and

WHEREAS, breast cancer is the second most common cause of cancer death in white women and among African American women, and

WHEREAS, early detection, through routine clinical examinations and mammography screening beginning at age 40, in compliance with the American Cancer Society's recommended guidelines, are the key to detecting breast cancer at its earliest stages, and

WHEREAS, the 5-year survival rate for breast cancer, if the disease is found in its earliest stages, is 98 percent, but drops down to 26 percent if the cancer is detected late, in a stage of metastases, and

WHEREAS, in conjunction with the promotion of October as Breast Cancer Awareness Month, breast cancer awareness programs, such as the American Cancer Society's Reach to Recovery Program, will promote early-breast-cancer detection through regular screening. NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the month of October 2006 is recognized as "Breast Cancer Awareness Month" in Florida and all women are urged to understand the risks associated with breast cancer, to take preventive steps to minimize those risks, and to undergo early-detection procedures such as mammography in compliance with the American Cancer Society's recommended breast-cancer-screening guidelines.

—**SR 2848** was introduced, read and adopted by publication.

## SPECIAL GUESTS

Senator Alexander introduced representatives of the University of Florida National Champion basketball team who were present in the chamber: Billy Donovan, Head Coach; and team members Lee Humphrey and Adrian Moss.

## REMARKS

On motion by Senator Pruitt, the following remarks were ordered spread upon the Journal:

**Senator Campbell:** Thank you, Mr. President. I hope I can get through this without a tear. Fellow Senators and my friends, each one of you—back in 1995, I was the President-elect of the Broward County Bar Association. I was a member of the Board of Governors of The Florida Bar. My intent was to run for presidency of The Florida Bar. At that time, Senator Peter Weinstein and Senator Robert Wexler decided that they were going to run for Congress. That opened up this Senate seat which would have been District 33. This was the first seat I ran for. When I decided to run, people said to me, "There is no way, Campbell, that you can win. They just don't know you. They don't know who you are. They might know you in the legal community, but they don't know you in this community."

I remembered that my Mom and Dad taught me this one lesson. I hope that this is the lesson that all of you take through your life. They said, "Don't worry about failure; worry about the chances you miss when you don't even try." I tried and I won.

I can remember that first day when, Mr. President, Senator Clary, Senator Klein, and myself, along with Senator Anna Cowin met with Steve Kahn, Greg Krasovsky, Jay Kassack and discussed ethics, pay, and insurance. We all looked at each other. That got us started.

At that first meeting, each one of us probably had misconceptions and preconceptions as to what to expect of each other. After all there were three Republicans and two Democrats elected.

I thought that as a member of the minority party, that I would not be given the opportunity to represent my constituency and succeed to help all of the people of the State of Florida. That preconception was a misconception and was wrong. I've truly been given the opportunity by the majority party to represent my constituency.

I served under the presidencies of Toni Jennings (twice), John McKay, Jim King, and now my friend, Tom Lee. I was given the privilege of serving as Chair of the Committees on Joint Administrative Procedures, Regulated Industries, the old Finance and Tax, and this year and for the last two years, trying to help the children and the elderly in the State of Florida in the Children and Families Committee.

What most impressed me when I got elected, was President Toni Jennings' address at the Organization Session on November 19, 1996. I want to read to you these words that she gave on that day. I remember these words and while I was trying to decide what I was going to say, I asked our great Senate Secretary, "Do you remember Toni Jennings giving that great speech?" Secretary Blanton got me a copy of the speech. President Jennings said, "John Calhoun said it well when he declared, 'The very essence of free government consists of considering our offices as public trusts; bestowed for the good of the country and not for any individual or party.' Well, my party is Republican, but inclusiveness is my style. I can find neither (R) or (D) in the word TEAM. That is what we'll be. A 40-member team working for Florida." I didn't forget those words.

I have been privileged to have served with 86 individual Senators in the State of Florida over the 10 years that I have been here. I believe that each one, whether Republican or Democrat, is united in a common purpose to do what is best for the people. We respect each other's ability to work toward the common good. Now we don't all vote the same. If we actually look at the differences, 90 percent of the time, probably greater, we vote the same way on the issues that affect the people of the State of Florida.

The one thing that I have found in my years in the Senate is that we have shown mutual respect, most of the time. We have shown a collegiality that has differentiated this body from the other bodies of government. I hope that collegiality will stand.

As to my departing colleagues, I'll start with you Mr. President. You had a great mustache back then. Tom, you have supported others and their ideas. You have led by example. Most importantly, you have a vision which you articulated clearly and forcefully on every occasion. I can remember a speech that you gave so passionately on May 27, 2003, a memorable speech about the budget. You said, and I'll read, "I'm going to vote for this budget, but I will say this, I have voted for my last budget. I have voted for my last budget in the State of Florida that's put together with Band-Aids and paper clips; where we put Band-Aids on cancers and ignore the reality of long-term problems that we have. We have got to have a plan. Now there are bright people in this State and there are bright people in this town. We better find a way to get them together for them to build us a road map." That was your legacy; that's what you've done. I think each one of us has contributed in trying to build that road map.

Charlie, you have been one of the brightest members of the Senate. You have been a good listener, a true team player. No doubt about it. As an architect, you realize that good plans start with a brainstorming session of all the people involved with the project. This allows everyone involved to be part of the solution. In addition to gathering the material ideas, you survey what you have, to conclude as being good for the citizens of the State of Florida. You have been a good architect, not only

in your profession, but for the people of the State of Florida. I appreciate that.

Ron Klein, you have been totally responsible and accountable to your constituents. You have a great ability to recognize the need for change, when to make it, and how to implement it. Good luck for your future.

Burt Saunders, you have integrity, honesty and perseverance. My grandfather fought in World War I. He once told me his unit had a slogan, "Retreat, hell. We just got here." I hope to see you as my opposition in November for the position of Attorney General. I know you will not retreat.

Les Miller, you have been a trailblazer, and a guide. You spend most of your time listening to people. You are aware of the biases that exist in society. We all have them. You work to get rid of them. You are responsive to others, whether they are Republican, Democrat, black, white, woman or man. You choose your words so well, so that they're not bad words, they're sweet words, so that you know that you don't have to eat them if you have to take them back tomorrow. You are supportive of your members. I want to tell you that it has been an honor to be your back support. I will be there in the future and good luck with your future.

Jim Sebesta, you have a style of leadership that allows your staff to make decisions. However, you have always realized that you are responsible for the decisions made. This way, your staff is able to analyze the situation and determine what needs to be done. You understand that you cannot do everything as a leader. You set priorities and you delegate certain tasks wisely. It always comes back to the fact, Jim, you are responsible. You have always accepted that responsibility.

Rod Smith, you are a caring, compassionate communicator. You set goals that are realistic and are attainable. Even at the next level where you are going to go in your political career. You have a dream to serve the people at the next level. This, though, is not just a dream; it's a goal with a plan and a deadline which is November 7, 2006.

I would be remiss if I didn't thank certain people. I want to thank my wife, Lynn, and my children, Christina and Daniel. You know those people up there do not understand how much our families give up of themselves so that we can be here serving the people of the State of Florida. For my wife and my children, I thank them, for their commitment to me. I want to thank my staff who have served with me, Danielle Levin, Michael Kaplan, Michael Dolce, Jennifer Moore, Kayla Montanero, Fatima Perez, Tara Hopper, Kelly Brown, and Lois Regante. Without our staff, we'd be nothing. We all should know this. It's not us that gets things accomplished, it is our staff. I want to thank my committee staff for helping me through the committees, Carroll Webb, Diana Caldwell, Stephanie Watson, Alan Johanson and Bev Whiddon. You've all been great.

I want to thank Faye Blanton. Without her I don't think any of us could get this job done. She's been a stalwart for all of us. Faye, I hope you can continue on for years, and years and years to come.

A couple of final words to all the members. Keep a sense of humor. Sometimes this job gets a little testy. We saw that a little last week on Friday. We might even see a little of it today. If you keep a sense of humor, you'll get through it. And failure. I know what failure is; how many amendments have I passed in this body? Jim King even let me pass one onetime. Finally, the greatest pleasure in life is doing what people say you can't do. Let's show the State of Florida in years to come that this is the body of government where collegiality still exists and friendships prevail even with philosophical differences.

I have a friend, Paula Bono. She grew up in my district, Coral Springs, Florida. She's now Paula Dockery. Paula is a Republican and I'm a Democrat. I have great respect for a young lady who was in high school when I started practicing law. I don't know, she might not have even been born yet. Here she is today representing the people of the State of Florida. I could mention you all, however I don't have time to mention you all. Paula stuck out in my mind. Thank you, Paula, for being a good friend.

You haven't seen the last of me. *Au revoir*. God Bless you all!!

By direction of the President, the rules were waived and the Senate proceeded to—

## SPECIAL ORDER CALENDAR

Consideration of **CS for CS for SB 2234** and **CS for CS for SB 256** was deferred.

### SENATOR WEBSTER PRESIDING

Consideration of **CS for SJR 194**, **CS for CS for CS for CS for CS for SB 1058**, **CS for CS for SB 862**, **CS for CS for CS for SB's 528, 530 and 858**, and **CS for CS for SB 860** was deferred.

On motion by Senator Margolis—

**CS for SB 382**—A bill to be entitled An act relating to wellness programs for state employees; amending s. 110.123, F.S.; defining the term "aged-based and gender-based benefits" for purposes of the state group insurance program; creating the Florida State Employees Wellness Council within the Department of Management Services; providing for membership; providing for reimbursement of per diem and travel expenses; providing purpose and duties of the council; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment which was adopted:

**Amendment 1 (054358)**—On page 9, lines 17-20, delete those lines.

Pursuant to Rule 4.19, **CS for SB 382** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HJR 631** was withdrawn from the Committees on Community Affairs; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

On motion by Senator Fasano—

**HJR 631**—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution, relating to homestead exemptions from ad valorem taxation, to provide a discount from the amount of ad valorem taxation levied on the homestead of a World War II veteran who meets specified criteria.

—a companion measure, was substituted for **CS for SJR 194** and read the second time by title.

Pursuant to Rule 4.19, **HJR 631** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SJR 1918** and **CS for CS for SB 550** was deferred.

On motion by Senator Pruitt—

**CS for SB 1920**—A bill to be entitled An act relating to compensation for wrongful incarceration; authorizing certain individuals to petition a court to determine whether they were actually innocent; requiring clear and convincing evidence to establish that a person was actually innocent; providing criteria for determining whether a person was actually innocent; creating exceptions to the authorization for compensation; authorizing an actually innocent person to apply to the Department of Financial Services for compensation; providing for application procedures; authorizing a compensation amount per year of imprisonment and authorizing a tuition waiver for instruction at state universities, community colleges, and career centers; providing for compensation exceeding a certain amount to be paid in installments over a 10-year period; providing for the forfeiture of unpaid installments upon the conviction of a felony; requiring the release and waiver of any claims against the state prior to payment of compensation; requiring payments of compensation to be processed by the Chief Financial Officer; requiring the

Department of Financial Services to request a specific appropriation for funds to pay compensation installments in its legislative budget requests; authorizing the Department of Financial Services to adopt rules; providing an effective date.

—was read the second time by title.

### MOTION

On motion by Senator Pruitt, the rules were waived to allow the following amendment to be considered:

Senator Webster offered the following amendment which was moved by Senator Pruitt and adopted:

**Amendment 1 (532480)**—On page 4, lines 5-12, delete those lines and insert: *pursuant to this act; or*

(b) *Submits a completed application to the Department of Financial Services after October 1, 2008, or more than 2 years after the order vacating, reversing, or dismissing the sentence, whichever is later.*

Pursuant to Rule 4.19, **CS for SB 1920** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 1029** was withdrawn from the Committees on Criminal Justice; Environmental Preservation; and General Government Appropriations.

On motion by Senator Posey—

**HB 1029**—A bill to be entitled An act relating to the carrying of firearms in national forests; repealing s. 790.11, F.S., which prohibits the carrying of firearms in national forests; repealing s. 790.12, F.S., which authorizes the granting of a special permit for the carrying of firearms in a national forest; repealing s. 790.14, F.S., which provides a penalty for violation of ss. 790.11 and 790.12, F.S.; amending s. 790.25, F.S.; correcting cross-references; requiring the Department of Environmental Protection to amend the correlative rule in the Florida Administrative Code to allow the possession of weapons in compliance with all Florida Statutes; providing requirements with respect to amendment of the rule; providing an effective date.

—a companion measure, was substituted for **CS for SB 1546** and read the second time by title.

Pursuant to Rule 4.19, **HB 1029** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

**CS for SB 1136**—A bill to be entitled An act relating to public-records exemptions; amending s. 288.1067, F.S.; expanding the public-records exemption for incentive programs to include the Innovation Incentive Program under s. 288.1089, F.S.; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

### MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted:

**Amendment 1 (444008)**—On page 4, lines 7-10, delete those lines and insert: *not possess such information.*

Pursuant to Rule 4.19, **CS for SB 1136** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2084** was deferred.

On motion by Senator Dockery—

**CS for CS for SB 1226**—A bill to be entitled An act relating to land acquisition; amending s. 201.15, F.S.; providing that taxes distributed to pay debt service on Preservation 2000 bonds, Florida Forever bonds, and Save Our Everglades bonds shall be collectively distributed on a pro rata basis; deleting obsolete provisions; amending s. 215.619, F.S.; providing that Everglades restoration bonds are on a parity basis with other land acquisition bonds; amending s. 259.032, F.S.; authorizing the use of funds in the Conservation and Recreation Lands Trust Fund for management, maintenance, and capital improvements for conservation and recreation lands, including lands acquired under the Babcock Crescent B Ranch Florida Forever acquisition; revising requirements for the development of an individual land management plan; amending s. 259.1051, F.S.; conforming the distribution of funds from the Florida Forever Trust Fund; creating s. 259.1052, F.S.; providing for the acquisition of the state's portion of the Babcock Crescent B Ranch; providing a definition; granting authority to the Department of Environmental Protection to distribute funds for the acquisition of the Babcock Crescent B Ranch; creating s. 259.10521, F.S.; authorizing the creation of a citizen support organization; providing duties and responsibilities; providing an appropriation; providing effective dates.

—was read the second time by title.

### MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senators Bennett and Dockery offered the following amendment which was moved by Senator Bennett and adopted:

**Amendment 1 (971882)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) and subsections (11) and (13) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(b) ~~Moneys The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.~~

(11) From the moneys specified in ~~paragraphs (1)(e) paragraphs (1)(d) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212, and \$2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).~~

(13) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), shall not be used for land acquisition, but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59. ~~Prior to the 2005 Regular Session of the Legislature, the Acquisition and Restoration Council shall review and make recommendations to the Legislature concerning the need to repeal this~~

provision. Based on these recommendations, the Legislature shall review the need to repeal this provision during the 2005 Regular Session.

Section 2. Effective July 1, 2007, paragraph (b) of subsection (1), and subsections (11) and (13) of section 201.15, Florida Statutes, as amended by section 1 of chapter 2005-92, Laws of Florida, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(b) ~~Moneys The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.~~

(11) From the moneys specified in ~~paragraphs (1)(e) paragraphs (1)(d) and (2)(a)~~ and prior to deposit of any moneys into the General Revenue Fund, \$30 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212, and \$2 million shall be paid into the State Treasury to the credit of the Marine Resources Conservation Trust Fund to be used for marine mammal care as provided in s. 370.0603(3).

(13) The distribution of proceeds deposited into the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund, pursuant to subsections (4) and (5), shall not be used for land acquisition, but may be used for preacquisition costs associated with land purchases. The Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59. ~~Prior to the 2005 Regular Session of the Legislature, the Acquisition and Restoration Council shall review and make recommendations to the Legislature concerning the need to repeal this provision. Based on these recommendations, the Legislature shall review the need to repeal this provision during the 2005 Regular Session.~~

Section 3. Subsection (3) of section 215.619, Florida Statutes, is amended to read:

215.619 Bonds for Everglades restoration.—

(3) Everglades restoration bonds are payable from, and secured by a first lien on, taxes distributable under s. 201.15(1)(b) and do not constitute a general obligation of, or a pledge of the full faith and credit of, the state. Everglades restoration bonds *shall be secured on a parity basis with* ~~are junior and subordinate to~~ bonds secured by moneys distributable under s. 201.15(1)(a).

Section 4. Paragraph (b) of subsection (2), paragraphs (e) and (f) of subsection (9), paragraph (d) of subsection (10), and paragraph (b) of subsection (11) of section 259.032, Florida Statutes, are amended to read:

259.032 Conservation and Recreation Lands Trust Fund; purpose.—

(2)

(b) There shall annually be transferred from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund that amount, not to exceed \$20 million annually, as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to s. 375.051 to acquire lands on the established priority list developed pursuant to ss. 259.101(4) and 259.105 ~~this section~~; however, no moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service

on the Save Our Coast revenue bonds. Amounts transferred annually from the Conservation and Recreation Lands Trust Fund to the Land Acquisition Trust Fund pursuant to this paragraph shall have the highest priority over other payments or transfers from the Conservation and Recreation Lands Trust Fund, and no other payments or transfers shall be made from the Conservation and Recreation Lands Trust Fund until such transfers to the Land Acquisition Trust Fund have been made. ~~Effective July 1, 2001, Moneys in the Conservation and Recreation Lands Trust Fund also shall be used to manage lands and to pay for related costs, activities, and functions pursuant to the provisions of this section.~~

(9) All lands managed under this chapter and s. 253.034 shall be:

(e) Concurrent with the approval of the acquisition contract pursuant to s. 259.041(3)(c) for any interest in lands *except those lands being acquired under the provisions of s. 259.1052*, the board of trustees shall designate an agency or agencies to manage such lands. ~~The board and~~ shall evaluate and amend, as appropriate, the management policy statement for the project as provided by s. 259.035, consistent with the purposes for which the lands are acquired. For any fee simple acquisition of a parcel which is or will be leased back for agricultural purposes, or any acquisition of a less-than-fee interest in land that is or will be used for agricultural purposes, the Board of Trustees of the Internal Improvement Trust Fund shall first consider having a soil and water conservation district, created pursuant to chapter 582, manage and monitor such interests.

(f) State agencies designated to manage lands acquired under this chapter *except those lands acquired under s. 259.1052* may contract with local governments and soil and water conservation districts to assist in management activities, including the responsibility of being the lead land manager. Such land management contracts may include a provision for the transfer of management funding to the local government or soil and water conservation district from the Conservation and Recreation Lands Trust Fund in an amount adequate for the local government or soil and water conservation district to perform its contractual land management responsibilities and proportionate to its responsibilities, and which otherwise would have been expended by the state agency to manage the property.

(10)

(d)1. For each project for which lands are acquired after July 1, 1995, an individual management plan shall be adopted and in place no later than 1 year after the essential parcel or parcels identified in *the priority list developed pursuant to ss. 259.101(4) and 259.105 in the annual Conservation and Recreation Lands report prepared pursuant to s. 259.035(2)(a)* have been acquired. ~~Beginning in fiscal year 1998-1999, The Department of Environmental Protection shall distribute only 75 percent of the acquisition funds to which a budget entity or water management district would otherwise be entitled from the Preservation 2000 Trust Fund to any budget entity or any water management district that has more than one-third of its management plans overdue.~~

2. *The requirements of subparagraph 1. do not apply to the individual management plan for the Babcock Crescent B Ranch being acquired pursuant to s. 259.1052. The management plan for the ranch shall be adopted and in place no later than 2 years following the date of acquisition by the state.*

(11)

(b) An amount up to 1.5 percent of the cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund shall be made available for the purposes of management, maintenance, and capital improvements not eligible for funding pursuant to s. 11(e), Art. VII of the State Constitution, and for associated contractual services, for lands acquired pursuant to this section, s. 259.101, s. 259.105, s. 259.1052, or previous programs for the acquisition of lands for conservation and recreation, including state forests, to which title is vested in the board of trustees and other conservation and recreation lands managed by a state agency. Of this amount, \$250,000 shall be transferred annually to the Plant Industry Trust Fund within the Department of Agriculture and Consumer Services for the purpose of implementing the Endangered or Threatened Native Flora Conservation Grants Program pursuant to s. 581.185(11). Each agency with management responsibilities shall annually request from the Legislature funds sufficient to fulfill such responsibilities. For the purposes of this

paragraph, capital improvements shall include, but need not be limited to, perimeter fencing, signs, firelanes, access roads and trails, and minimal public accommodations, such as primitive campsites, garbage receptacles, and toilets. Any equipment purchased with funds provided pursuant to this paragraph may be used for the purposes described in this paragraph on any conservation and recreation lands managed by a state agency.

Section 5. Subsections (2), and (10) of section 259.105, Florida Statutes, are amended to read:

259.105 The Florida Forever Act.—

(2)(a) The Legislature finds and declares that:

1. The Preservation 2000 program provided tremendous financial resources for purchasing environmentally significant lands to protect those lands from imminent development, thereby assuring present and future generations access to important open spaces and recreation and conservation lands.

2. The continued alteration and development of Florida's natural areas to accommodate the state's rapidly growing population have contributed to the degradation of water resources, the fragmentation and destruction of wildlife habitats, the loss of outdoor recreation space, and the diminishment of wetlands, forests, and public beaches.

3. The potential development of Florida's remaining natural areas and escalation of land values require a continuation of government efforts to restore, bring under public protection, or acquire lands and water areas to preserve the state's invaluable quality of life.

4. Florida's groundwater, surface waters, and springs are under tremendous pressure due to population growth and economic expansion and require special protection and restoration efforts. To ensure that sufficient quantities of water are available to meet the current and future needs of the natural systems and citizens of the state, and assist in achieving the planning goals of the department and the water management districts, water resource development projects on public lands, where compatible with the resource values of and management objectives for the lands, are appropriate.

5. The needs of urban Florida for high-quality outdoor recreational opportunities, greenways, trails, and open space have not been fully met by previous acquisition programs. Through such programs as the Florida Communities Trust and the Florida Recreation Development Assistance Program, the state shall place additional emphasis on acquiring, protecting, preserving, and restoring open space, greenways, and recreation properties within urban areas where pristine natural communities or water bodies no longer exist because of the proximity of developed property.

6. Many of Florida's unique ecosystems, such as the Florida Everglades, are facing ecological collapse due to Florida's burgeoning population. To preserve these valuable ecosystems for future generations, parcels of land must be acquired to facilitate ecosystem restoration.

7. Access to public lands to support a broad range of outdoor recreational opportunities and the development of necessary infrastructure, where compatible with the resource values of and management objectives for such lands, promotes an appreciation for Florida's natural assets and improves the quality of life.

8. Acquisition of lands, in fee simple or in any lesser interest, should be based on a comprehensive assessment of Florida's natural resources and planned so as to protect the integrity of ecological systems and provide multiple benefits, including preservation of fish and wildlife habitat, recreation space for urban as well as rural areas, and water recharge.

9. The state has embraced performance-based program budgeting as a tool to evaluate the achievements of publicly funded agencies, build in accountability, and reward those agencies which are able to consistently achieve quantifiable goals. While previous and existing state environmental programs have achieved varying degrees of success, few of these programs can be evaluated as to the extent of their achievements, primarily because performance measures, standards, outcomes, and goals were not established at the outset. Therefore, the Florida Forever program shall be developed and implemented in the context of measurable state goals and objectives.

10. It is the intent of the Legislature to change the focus and direction of the state's major land acquisition programs and to extend funding and bonding capabilities, so that future generations may enjoy the natural resources of Florida.

(b) The Legislature recognizes that acquisition is only one way to achieve the aforementioned goals and encourages the development of creative partnerships between governmental agencies and private landowners. Land protection agreements and similar tools should be used, where appropriate, to bring environmentally sensitive tracts under an acceptable level of protection at a lower financial cost to the public, and to provide private landowners with the opportunity to enjoy and benefit from their property.

(c) Public agencies or other entities that receive funds under this section are encouraged to better coordinate their expenditures so that project acquisitions, when combined with acquisitions under Preservation 2000, Save Our Rivers, the Florida Communities Trust, and other public land acquisition programs, will form more complete patterns of protection for natural areas and functioning ecosystems, to better accomplish the intent of this section.

(d) A long-term financial commitment to managing Florida's public lands must accompany any new land acquisition program to ensure that the natural resource values of such lands are protected, that the public has the opportunity to enjoy the lands to their fullest potential, and that the state achieves the full benefits of its investment of public dollars.

(e) With limited dollars available for restoration and acquisition of land and water areas and for providing long-term management and capital improvements, a competitive selection process can select those projects best able to meet the goals of Florida Forever and maximize the efficient use of the program's funding.

(f) To ensure success and provide accountability to the citizens of this state, it is the intent of the Legislature that any bond proceeds used pursuant to this section be used to implement the goals and objectives recommended by the Florida Forever Advisory Council as approved by the Board of Trustees of the Internal Improvement Trust Fund and the Legislature.

(g) As it has with previous land acquisition programs, the Legislature recognizes the desires of the citizens of this state to prosper through economic development and to preserve the natural areas and recreational open space of Florida. The Legislature further recognizes the urgency of restoring the natural functions of public lands or water bodies before they are degraded to a point where recovery may never occur, yet acknowledges the difficulty of ensuring adequate funding for restoration efforts in light of other equally critical financial needs of the state. It is the Legislature's desire and intent to fund the implementation of this section and to do so in a fiscally responsible manner, by issuing bonds to be repaid with documentary stamp tax revenue.

(h) *The Legislature further recognizes the important role that many of our state and federal military installations contribute to protecting and preserving Florida's natural resources as well as our economic prosperity. Where the state's land conservation plans overlap with the military's need to protect lands, waters, and habitat to ensure the sustainability of military missions, it is the Legislature's intent that agencies receiving funds under this program cooperate with our military partners to protect and buffer military installations and military airspace, by:*

1. *Protecting habitat on non-military land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute.*

2. *Protecting areas underlying low-level military air corridors or operating areas, and*

3. *Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners.*

(10) The Acquisition and Restoration Council shall give increased priority to those projects for which matching funds are available and to project elements previously identified on an acquisition list pursuant to this section that can be acquired at 80 percent or less of appraised value. *The council shall also give increased priority to those projects where the*

state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions including:

(a) Protecting habitat on non-military land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute.

(b) Protecting areas underlying low-level military air corridors or operating areas, and

(c) Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners, and for which federal or other funding is available to assist with the project.

Section 6. Subsections (1) and (2) of section 259.1051, Florida Statutes, are amended to read:

**259.1051 Florida Forever Trust Fund.—**

(1) There is created the Florida Forever Trust Fund to carry out the purposes of ss. 259.032, 259.105, 259.1052, and 375.031. The Florida Forever Trust Fund shall be held and administered by the Department of Environmental Protection. Proceeds from the sale of bonds, except proceeds of refunding bonds, issued under s. 215.618 and payable from moneys transferred to the Land Acquisition Trust Fund under s. 201.15(1)(a), not to exceed \$3 billion, must be deposited into this trust fund to be distributed and used as provided in s. 259.105(3). The bond resolution adopted by the governing board of the Division of Bond Finance of the State Board of Administration may provide for additional provisions that govern the disbursement of the bond proceeds.

(2) The Department of Environmental Protection shall distribute revenues from the Florida Forever Trust Fund only to programs of state agencies or local governments as set out in s. 259.105(3) or as provided in s. 259.1052. Excluding distributions to the Save Our Everglades Trust Fund and distributions for the acquisition of the Babcock Crescent B Ranch Florida Forever acquisition as provided in s. 259.1052, the distributions shall be spent by the recipient within 90 days after the date on which the Department of Environmental Protection initiates the transfer.

Section 7. Section 259.1052, Florida Statutes, is created to read:

**259.1052 Babcock Crescent B Ranch Florida Forever acquisition; conditions for purchase.—**

(1) The acquisition of the state's portion of the Babcock Crescent B Ranch by the Board of Trustees of the Internal Improvement Trust Fund is a conservation acquisition under the Florida Forever program created in s. 259.105, with a goal of sustaining the ecological and economic integrity of the property being acquired while allowing the business of the ranch to operate and prosper.

(2) The Babcock Crescent B Ranch constitutes a unique land mass that has significant scientific, cultural, historical, recreational, ecological, wildlife, fisheries, and productive values. The property is part of a potential greenway of undeveloped land extending from Lake Okeechobee to the east and Charlotte Harbor to the west. The natural beauty and abundant resources of the ranch provide numerous public recreational opportunities such as hiking, fishing, camping, horseback riding, and hunting.

(3) The Legislature recognizes that the acquisition of the state's portion of the Babcock Crescent B Ranch represents a unique opportunity to assist in preserving the largest private and undeveloped single-ownership tract of land in Charlotte County. The Legislature further recognizes Lee County as a partner in the acquisition of the ranch.

(4) This section authorizes the acquisition of the state's portion of the Babcock Crescent B Ranch in order to protect and preserve for future generations the scientific, scenic, historic, and natural values of the ranch, including rivers and ecosystems; to protect and preserve the archaeological, geological, and cultural resources of the ranch; to provide for species recovery; and to provide opportunities for public recreation.

(5) The Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services shall be the lead managing agencies responsible for the management of Babcock Crescent B Ranch.

(6) In addition to distributions authorized under s. 259.105(3), the Department of Environmental Protection is authorized to distribute \$310 million in revenues from the Florida Forever Trust Fund. This distribution shall represent payment in full for the portion of the Babcock Crescent B Ranch to be acquired by the state under this section.

(7) As used in this section, the term "state's portion of the Babcock Crescent B Ranch" comprises those lands to be conveyed by special warranty deed to the Board of Trustees of the Internal Improvement Trust Fund under the provisions of the agreement for sale and purchase executed by the Board of Trustees of the Internal Improvement Trust Fund, the Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, and the participating local government, as purchaser, and MSKP, III, a Florida corporation, as seller.

Section 8. Section 259.10521, Florida Statutes, is created to read:

**259.10521 Citizen support organization; use of property; audit.—**

(1) **DEFINITIONS.**—For the purpose of this section, the "Citizen support organization" means an organization that is:

(a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;

(b) Organized and operated to conduct programs and activities in the best interest of the state; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Babcock Crescent B Ranch;

(c) Determined by the Fish and Wildlife Conservation Commission and the Division of Forestry within the Department of Agriculture and Consumer Services to be consistent with the goals of the state in acquiring the ranch and in the best interests of the state; and

(d) Approved in writing by the Fish and Wildlife Conservation Commission and the Division of Forestry to operate for the direct or indirect benefit of the ranch and in the best interest of the state. Such approval shall be given in a letter of agreement from the Fish and Wildlife Conservation Commission and the Division of Forestry. Only one citizen support organization may be created to operate for the direct or indirect benefit of the Babcock Crescent B Ranch.

(2) **USE OF PROPERTY.**—

(a) The Fish and Wildlife Conservation Commission and the Division of Forestry may permit, without charge, appropriate use of fixed property and facilities of the Babcock Crescent B Ranch by a citizen support organization, subject to the provisions of this section. Such use must be directly in keeping with the approved purposes of the citizen support organization, and may not be made at times or places that would unreasonably interfere with recreational opportunities for the general public.

(b) The Fish and Wildlife Conservation Commission and the Division of Forestry may prescribe by rule any condition with which the citizen support organization shall comply in order to use fixed property or facilities of the ranch.

(c) The Fish and Wildlife Conservation Commission and the Division of Forestry shall not permit the use of any fixed property or facilities of the ranch by a citizen support organization that does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(3) **PARTNERSHIPS.**—

(a) The Legislature recognizes that the Babcock Crescent B Ranch will need a variety of facilities to enhance its public use and potential. Such facilities include, but are not limited to, improved access, camping areas, picnic shelters, management facilities, and environmental education facilities. The need for such facilities may exceed the ability of the state to provide such facilities in a timely manner with moneys available. The Legislature finds it to be in the public interest to provide incentives for partnerships with private organizations with the intent of producing additional revenue to help enhance the use and potential of the ranch.

(b) The Legislature may annually appropriate funds from the Land Acquisition Trust Fund for use only as state matching funds, in conjunc-

tion with private donations in aggregates of at least \$60,000, matched by \$40,000 of state funds, for a total minimum project amount of \$100,000 for capital improvement facility development at the ranch at either individually designated locations or for priority projects within the overall ranch system. The citizen support organization may acquire private donations pursuant to this section, and matching state funds for approved projects may be provided in accordance with this subsection. The Fish and Wildlife Conservation Commission and the Division of Forestry are authorized to properly recognize and honor a private donor by placing a plaque or other appropriate designation noting the contribution on project facilities or by naming project facilities after the person or organization that provided matching funds. The Fish and Wildlife Conservation Commission and the Division of Forestry are authorized to adopt necessary administrative rules to carry out the purposes of this subsection.

Section 9. Section 259.1053, Florida Statutes, is created to read:

259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.; creation; membership; organization; meetings.—

(1) *SHORT TITLE.*—This section may be cited as the “Babcock Ranch Preserve Act.”

(2) *DEFINITIONS.*—As used in this section, the term:

(a) “Babcock Ranch Preserve” and “preserve” mean the lands and facilities acquired in the purchase of the Babcock Crescent B Ranch, as provided in s. 259.1052.

(b) “Babcock Ranch, Inc.,” and “corporation” mean the not-for-profit corporation created under this section to operate and manage the Babcock Ranch Preserve as a working ranch.

(c) “Board of directors” means the governing board of the not-for-profit corporation created under this section.

(d) “Commission” means the Fish and Wildlife Conservation Commission.

(e) “Commissioner” means the Commissioner of Agriculture.

(f) “Department” means the Department of Agriculture and Consumer Services.

(g) “Executive director” means the Executive Director of the Fish and Wildlife Conservation Commission.

(h) “Financially self-sustaining” means having management and operation expenditures not more than the revenues collected from fees and other receipts for resource use and development, and from interest and invested funds.

(i) “Management and operating expenditures” means expenses of the corporation, including, but not limited to, salaries and benefits of officers and staff, administrative and operating expenses, costs of improvements to and maintenance of lands and facilities of the Babcock Ranch Preserve, and other similar expenses. Such expenditures shall be made from revenues generated from the operation of the ranch and not from funds appropriated by the Legislature except as provided in this section.

(j) “Member” means a person appointed to the board of directors of the not-for-profit corporation created under this section.

(k) “Multiple use” means the management of all of the renewable surface resources of the Babcock Ranch Preserve to best meet the needs of the public, including the use of the land for some or all of the renewable surface resources or related services over areas large enough to allow for periodic adjustments in use to conform to the changing needs and conditions of the preserve while recognizing that a portion of the land will be used for some of the renewable surface resources available on that land. The goal of multiple use is the harmonious and coordinated management of the renewable surface resources without impairing the productivity of the land and considering the relative value of the renewable surface resources, and not necessarily a combination of uses to provide the greatest monetary return or the greatest unit output.

(l) “Sustained yield of the renewable surface resources” means the achievement and maintenance of a high level of annual or regular periodic output of the various renewable surface resources of the preserve without impairing the productivity of the land.

(3) *CREATION OF BABCOCK RANCH PRESERVE.*—

(a) Upon the date of acquisition of the Babcock Crescent B Ranch, there is created the Babcock Ranch Preserve, which shall be managed in accordance with the purposes and requirements of this section.

(b) The preserve is established to protect and preserve the environmental, agricultural, scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the preserve, and to provide for the multiple use and sustained yield of the renewable surface resources within the preserve consistent with this section.

(c) Babcock Ranch, Inc., and its officers and employees shall participate in the management of the Babcock Ranch Preserve in an advisory capacity only until the management agreement referenced in paragraph (11)(a) is terminated or expires.

(d) Nothing in this section shall preclude Babcock Ranch, Inc., prior to assuming management and operation of the preserve and thereafter, from allowing the use of common varieties of mineral materials such as sand, stone, and gravel for construction and maintenance of roads and facilities within the preserve.

(e) Nothing in this section shall be construed as affecting the constitutional responsibilities of the commission in the exercise of its regulatory and executive power with respect to wild animal life and freshwater aquatic life, including the regulation of hunting, fishing, and trapping within the preserve.

(f) Nothing in this section shall be construed to interfere with or prevent the ability of Babcock Ranch, Inc., to implement agricultural practices authorized by the agricultural land use designations established in the local comprehensive plans of either Charlotte or Lee Counties as those plans apply to the Babcock Ranch Preserve.

(g) To clarify the responsibilities of the lead managing agencies and the not-for-profit corporation created under this section, the lead managing agencies are directed to establish a range of resource protection values for the Babcock Ranch Preserve, and the corporation shall establish operational parameters to conduct the business of the ranch within the range of values. The corporation shall establish a range of operational values for conducting the business of the ranch, and the lead managing agencies providing ground support to the ranch outside of each agency’s jurisdictional responsibilities shall establish management parameters within that range of values.

(h) Nothing in this section shall preclude the maintenance and use of roads and trails or the relocation of roads in existence on the effective date of this section, or the construction, maintenance, and use of new trails, or any motorized access necessary for the administration of the land contained within the preserve, including motorized access necessary for emergencies involving the health or safety of persons within the preserve.

(i) The Division of State Lands of the Department of Environmental Protection shall perform staff duties and functions for Babcock Ranch, Inc., the not-for-profit corporation created under this section, until such time as the corporation organizes to elect officers, file articles of incorporation, and exercise its powers and duties.

(4) *CREATION OF BABCOCK RANCH, INC.*—

(a) Subject to filing articles of incorporation, there is created a not-for-profit corporation, to be known as Babcock Ranch, Inc., which shall be registered, incorporated, organized, and operated in compliance with the provisions of chapter 617, and which shall not be a unit or entity of state government. For purposes of sovereign immunity, the corporation shall be a corporation primarily acting as an instrumentality of the state but otherwise shall not be an agency within the meaning of s. 20.03(11) or a unit or entity of state government.

(b) The corporation is organized on a nonstock basis and shall operate in a manner consistent with its public purpose and in the best interest of the state.

(c) Meetings and records of the corporation, its directors, advisory committees, or similar groups created by the corporation, including any not-for-profit subsidiaries, are subject to the public records provisions of chapter 119 and the public meetings and records provisions of s. 286.011.



(5) **APPLICABILITY OF SECTION.**—*In any conflict between a provision of this section and a provision of chapter 617, the provisions of this section shall prevail.*

(6) **PURPOSE.**—*The purpose of Babcock Ranch, Inc., is to provide management and administrative services for the preserve, to establish and implement management policies that will achieve the purposes and requirements of this section, to cooperate with state agencies to further the purposes of the preserve, and to establish the administrative and accounting procedures for the operation of the corporation.*

(7) **BOARD; MEMBERSHIP; REMOVAL; LIABILITY.**—*The corporation shall be governed by a nine-member board of directors who shall be appointed by the Board of Trustees of the Internal Improvement Trust Fund; the executive director of the commission; the Commissioner of Agriculture; the Babcock Florida Company, a corporation registered to do business in the state, or its successors or assigns; the Charlotte County Board of County Commissioners, and the Lee County Board of County Commissioners in the following manner:*

(a)1. *The Board of Trustees of the Internal Improvement Trust Fund shall appoint four members. One appointee shall have expertise in domesticated livestock management, production, and marketing, including range management and livestock business management. One appointee shall have expertise in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities. One appointee shall have expertise in the sustainable management of forest lands for commodity purposes. One appointee shall have expertise in financial management, budget and program analysis, and small business operations.*

2. *The executive director shall appoint one member with expertise in hunting; fishing; nongame species management; or wildlife habitat management, restoration, and conservation.*

3. *The commissioner shall appoint one member with expertise in agricultural operations or forestry management.*

4. *The Babcock Florida Company, or its successors or assigns, shall appoint one member with expertise in the activities and management of the Babcock Ranch on the date of acquisition of the ranch by the state as provided under s. 259.1052. This appointee shall serve on the board of directors only until the termination of or expiration of the management agreement attached as Exhibit "E" to that certain Agreement for Sale and Purchase approved by the Board of Trustees of the Internal Improvement Trust Fund on November 22, 2005, and by Lee County, a political subdivision of the state, on November 20, 2005. Upon termination of or expiration of the management agreement, the person serving as the head of the property owners' association, if any, required to be created under the agreement for sale and purchase shall serve as a member of the board of directors of Babcock Ranch, Inc.*

5. *The Charlotte County Board of County Commissioners shall appoint one member who shall be a resident of the county and who shall be active in an organization concerned with the activities of the ranch.*

6. *The Lee County Board of County Commissioners shall appoint one member who shall be a resident of the county and who shall have experience in land conservation and management. This appointee, or a successor appointee, shall serve as a member of the board of directors so long as the county participates in the state land management plan.*

(b) *All members of the board of directors shall be appointed no later 90 days following the initial acquisition of the Babcock Ranch by the state, and:*

1. *Four members initially appointed by the Board of Trustees of the Internal Improvement Trust Fund shall each serve a 4-year term.*

2. *The remaining initial five appointees shall each serve a 2-year term.*

3. *Each member appointed thereafter shall serve a 4-year term.*

4. *A vacancy shall be filled in the same manner in which the original appointment was made, and a member appointed to fill a vacancy shall serve for the remainder of that term.*

5. *No member may serve more than 8 years in consecutive terms.*

(c) *With the exception of the Babcock Florida Company appointee, no member may be an officer, director, or shareholder in any entity that contracts with or receives funds from the corporation or its subsidiaries.*

(d) *No member shall vote in an official capacity upon any measure that would inure to his or her special private gain or loss, that he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a principal by which he or she is retained, or that he or she knows would inure to the special private gain or loss of a relative or business associate of the member. Such member shall, prior to the vote being taken, publicly state the nature of his or her interest in the matter from which he or she is abstaining from voting and, no later than 15 days following the date the vote occurs, shall disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes of the meeting.*

(e) *Each member of the board of directors is accountable for the proper performance of the duties of office, and each member owes a fiduciary duty to the people of the state to ensure that funds provided in furtherance of this section are disbursed and used as prescribed by law and contract. Any official appointing a member may remove that member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, unexcused absence from three consecutive meetings of the board, arrest or indictment for a crime that is a felony or misdemeanor involving theft or a crime of dishonesty, or pleading nolo contendere to, or being found guilty of, any crime.*

(f) *Each member of the board of directors shall serve without compensation, but shall receive travel and per diem expenses as provided in s. 112.061 while in the performance of his or her duties.*

(g) *No appointee shall be an employee of any governmental entity.*

(8) **ORGANIZATION; MEETINGS.**—

(a)1. *The board of directors shall annually elect a chairperson and a vice chairperson from among the board's members. The members may, by a vote of five of the nine board members, remove a member from the position of chairperson or vice chairperson prior to the expiration of his or her term as chairperson or vice chairperson. His or her successor shall be elected to serve for the balance of the removed chairperson's or vice chairperson's term.*

2. *The chairperson shall ensure that records are kept of the proceedings of the board of directors, and is the custodian of all books, documents, and papers filed with the board, the minutes of meetings of the board, and the official seal of the corporation.*

(b)1. *The board of directors shall meet upon the call of the chairperson at least three times per year in Charlotte County or in Lee County.*

2. *A majority of the members of the board of directors constitutes a quorum. Except as otherwise provided in this section, the board of directors may take official action by a majority of the members present at any meeting at which a quorum is present. Members may not vote by proxy.*

(9) **POWERS AND DUTIES.**—

(a) *The board of directors shall adopt articles of incorporation and bylaws necessary to govern its activities. The adopted articles of incorporation and bylaws must be approved by the Board of Trustees of the Internal Improvement Trust Fund prior to filing with the Department of State.*

(b) *The board of directors shall review and approve any management plan developed pursuant to ss. 253.034 and 259.032 for the management of lands in the preserve prior to the submission of that plan to the Board of Trustees of the Internal Improvement Trust Fund for approval and implementation.*

(c)1. *Except for the constitutional powers of the commission as provided in s. 9, Art. IV of the State Constitution, the board of directors shall have all necessary and proper powers for the exercise of the authority vested in the corporation, including, but not limited to, the power to solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other public or private entities for the purposes of this section. All funds received by the corporation*

shall be deposited into the operating fund authorized under this section unless otherwise directed by the Legislature.

2. The board of directors may not increase the number of its members.

3. Except as necessary to manage and operate the preserve as a working ranch, the corporation may not purchase, take, receive, lease, take by gift, devise, or bequest, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with real property, or any interest therein, wherever situated.

4. The corporation may not sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise dispose of any real property.

5. The corporation may not purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of or otherwise use and deal in and with, shares and other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit, associations, partnerships, or individuals, or direct or indirect obligations of the United States, or any other government, state, territory, government district, municipality, or any instrumentality thereof.

6. The corporation may not lend money for its corporate purposes, invest and reinvest its funds, or take and hold real and personal property as security for the payment of funds lent or invested.

7. The corporation may not merge with other corporations or other business entities.

8. The corporation may not enter into any contract, lease, or other agreement related to the use of ground or surface waters located in, on, or through the preserve without the consent of the Board of Trustees of the Internal Improvement Trust Fund and permits that may be required by the Department of Environmental Protection or the appropriate water management district under chapters 373 and 403.

9. The corporation may not grant any easements in, on, or across the preserve. Any easements to be granted for the use of, access to, or ingress and egress across state property within the preserve must be executed by the Board of Trustees of the Internal Improvement Trust Fund as the owners of the state property within the preserve. Any easements to be granted for the use of, access to, or ingress and egress across property within the preserve titled in the name of a local government must be granted by the governing body of that local government.

10. The corporation may not enter into any contract, lease, or other agreement related to the use and occupancy of the property within the preserve for a period greater than 10 years.

(c) The members may, with the written approval of the commission and in consultation with the department, designate hunting, fishing, and trapping zones and may establish additional periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, and the protection and enhancement of nongame habitat and nongame species, as defined under s. 372.001.

(d) The corporation shall have the sole and exclusive right to use the words "Babcock Ranch, Inc.," and any seal, emblem, or other insignia adopted by the members. Without the express written authority of the corporation, no person may use the words "Babcock Ranch, Inc.," as the name under which that person conducts or purports to conduct business, for the purpose of trade or advertisement, or in any manner that may suggest any connection with the corporation.

(e) The corporation may from time to time appoint advisory committees to further any part of this section. The advisory committees shall be reflective of the expertise necessary for the particular function for which the committee is created, and may include public agencies, private entities, and not-for-profit conservation and agricultural representatives.

(f) State laws governing the procurement of commodities and services by state agencies, as provided in s. 287.057, shall apply to the corporation.

(g) The corporation and its subsidiaries must provide equal employment opportunities for all persons regardless of race, color, religion, gender, national origin, age, handicap, or marital status.

#### (10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING REQUIREMENTS.—

(a) The board of directors may establish and manage an operating fund to address the corporation's unique cash-flow needs and to facilitate the management and operation of the preserve as a working ranch.

(b) The board of directors shall provide for an annual financial audit of the corporate accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General under s. 11.45(8). The audit report shall be submitted no later than 3 months following the end of the fiscal year to the Auditor General, the President of the Senate, the Speaker of the House of Representatives, and the appropriate substantive and fiscal committees of the Legislature. The Auditor General, the Office of Program Policy Analysis and Government Accountability, and the substantive or fiscal committees of the Legislature to which legislation affecting the Babcock Ranch Preserve may be referred shall have the authority to require and receive from the corporation or from the independent auditor any records relative to the operation of the corporation.

(c) Not later than January 15 of each year, Babcock Ranch, Inc., shall submit to the Board of Trustees of the Internal Improvement Trust Fund, the President of the Senate, the Speaker of the House of Representatives, the department, and the commission a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year, including information on the status of the ecological, cultural, and financial resources being managed by the corporation, and benefits provided by the preserve to local communities. The report shall also include a section describing the corporation's goals for the current year.

(d) The board of directors shall prepare an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the initial acquisition of the Babcock Ranch by the state. The department shall provide necessary assistance, including details as necessary, to the corporation for the timely formulation and submission of an annual legislative budget request for appropriations, if any, to support the administration, operation, and maintenance of the preserve. A request for appropriations shall be submitted to the department and shall be included in the department's annual legislative budget request. Requests for appropriations shall be submitted to the department in time to allow the department to meet the requirements of s. 216.023. The department may not deny a request or refuse to include in its annual legislative budget submission a request from the corporation for an appropriation.

(e) Notwithstanding any other provision of law, all moneys received from donations or from management of the preserve shall be retained by the corporation in the operating fund and shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvements, repairs, and related expenses incurred with respect to properties being managed by the corporation. Except as provided in this section, moneys received by the corporation for the management of the preserve shall not be subject to distribution by the state. Upon assuming management responsibilities for the preserve, the corporation shall optimize the generation of income based on existing marketing conditions to the extent that activities do not unreasonably diminish the long-term environmental, agricultural, scenic, and natural values of the preserve, or the multiple-use and sustained-yield capability of the land.

(f) All parties in contract with the corporation and all holders of leases from the corporation which are authorized to occupy, use, or develop properties under the management jurisdiction of the corporation must procure proper insurance as is reasonable or customary to insure against any loss in connection with the properties or with activities authorized in the leases or contracts.

#### (11) COMPREHENSIVE BUSINESS PLAN.—

(a) A comprehensive business plan for the management and operation of the preserve as a working ranch and amendments to the business plan may be developed only with input from the department and the commission, and may be implemented by Babcock Ranch, Inc., only upon expiration of the management agreement attached as Exhibit "E" to that certain agreement for sale and purchase approved by the Board of Trustees of the Internal Improvement Trust Fund on November 22, 2005, and by Lee County on November 20, 2005.

(b) Any final decision of Babcock Ranch, Inc., to adopt or amend the comprehensive business plan or to approve any activity related to the management of the renewable surface resources of the preserve shall be made in sessions that are open to the public. The board of directors shall establish procedures for providing adequate public information and opportunities for public comment on the proposed comprehensive business plan for the preserve or for amendments to the comprehensive business plan adopted by the members.

(c) Not less than 2 years prior to the corporation's assuming management and operation responsibilities for the preserve, the corporation, with input from the commission and the department, must begin developing the comprehensive business plan to carry out the purposes of this section. To the extent consistent with these purposes, the comprehensive business plan shall provide for:

1. The management and operation of the preserve as a working ranch;
  2. The protection and preservation of the environmental, agricultural, scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the preserve;
  3. The promotion of high-quality hunting experiences for the public, with emphasis on deer, turkey, and other game species;
  4. Multiple use and sustained yield of renewable surface resources within the preserve;
  5. Public use of and access to the preserve for recreation; and
  6. The use of renewable resources and management alternatives that, to the extent practicable, benefit local communities and small businesses and enhance the coordination of management objectives with those on surrounding public or private lands. The use of renewable resources and management alternatives should provide cost savings to the corporation through the exchange of services, including, but not limited to, labor and maintenance of facilities, for resources or services provided to the corporation.
- (d) On or before the date on which title to the portion of the Babcock Crescent B Ranch being purchased by the state as provided in s. 259.1052 is vested in the Board of Trustees of the Internal Improvement Trust Fund, Babcock Ranch Management, LLC, a limited liability company incorporated in this state, shall provide the commission and the department with the proprietary management plan and business plan in place for the operation of the ranch as of November 22, 2005, the date on which the board of trustees approved the purchase.

#### (12) MANAGEMENT OF PRESERVE; FEES.—

(a) The corporation shall assume all authority provided by this section to manage and operate the preserve as a working ranch upon a determination by the Board of Trustees of the Internal Improvement Trust Fund that the corporation is able to conduct business, and that provision has been made for essential services on the preserve, which, to the maximum extent practicable, shall be made no later than 60 days prior to the termination of the management agreement referenced in paragraph (11)(a).

(b) Upon assuming management and operation of the preserve, the corporation shall:

1. With input from the commission and the department, manage and operate the preserve and the uses thereof, including, but not limited to, the activities necessary to administer and operate the preserve as a working ranch; the activities necessary for the preservation and development of the land and renewable surface resources of the preserve; the activities necessary for interpretation of the history of the preserve on behalf of the public; the activities necessary for the management, public use, and occupancy of facilities and lands within the preserve; and the maintenance, rehabilitation, repair, and improvement of property within the preserve;
2. Develop programs and activities relating to the management of the preserve as a working ranch;
3. Negotiate directly with and enter into such agreements, leases, contracts, and other arrangements with any person, firm, association, organization, corporation, or governmental entity, including entities of federal, state, and local governments, as are necessary and appropriate to carry out the purposes and activities authorized by this section;

4. Establish procedures for entering into lease agreements and other agreements for the use and occupancy of the facilities of the preserve. The procedures shall ensure reasonable competition and set guidelines for determining reasonable fees, terms, and conditions for such agreements; and

5. Assess reasonable fees for admission to, use of, and occupancy of the preserve to offset costs of operating the preserve as a working ranch. These fees are independent of fees assessed by the commission for the privilege of hunting, fishing, or pursuing outdoor recreational activities within the preserve, and shall be deposited into the operating fund established by the board of directors under the authority provided under this section.

#### (13) MISCELLANEOUS PROVISIONS.—

(a) Except for the powers of the commissioner provided in this section, and the powers of the commission provided in s. 9, Art. IV of the State Constitution, the preserve shall be managed by Babcock Ranch, Inc.

(b) Officers and employees of Babcock Ranch, Inc., are private employees. At the request of the board of directors, the commission and the department may provide state employees for the purpose of implementing this section. Any state employees provided to assist the directors in implementing this section for more than 30 days shall be provided on a reimbursable basis. Reimbursement to the commission and the department shall be made from the corporation's operating fund provided under this section and not from any funds appropriated to the corporation by the Legislature.

#### (14) DISSOLUTION OF BABCOCK RANCH, INC.—

(a) The corporation may be dissolved only by an act of the Legislature.

(b) Upon dissolution of the corporation, the management responsibilities provided in this section shall revert to the commission and the department unless otherwise provided by the Legislature under the act dissolving Babcock Ranch, Inc.

(c) Upon dissolution of the corporation, any cash balances of funds shall revert to the General Revenue fund or such other state fund as may be provided under the act dissolving Babcock Ranch, Inc.

Section 10. For the 2006-2007 fiscal year, the sum of \$310 million in nonrecurring funds is appropriated from the Florida Forever Trust Fund in the Department of Environmental Protection for the purchase of the Babcock Crescent B Ranch as provided in s. 259.1052, Florida Statutes.

Section 11. For the 2006-2007 fiscal year, the sum of \$50,000 is appropriated in nonrecurring funds from the Conservation and Recreation Lands Trust Fund in the Department of Environmental Protection for the operation and management of the Babcock Ranch Preserve, to be administered by Babcock Ranch, Inc., as provided under s. 259.1053, Florida Statutes.

Section 12. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to land acquisition and management; amending s. 201.15, F.S.; providing that taxes distributed to pay debt service on Preservation 2000 bonds, Florida Forever bonds, and Save Our Everglades bonds shall, under specified circumstances, be collectively distributed on a pro rata basis; correcting a cross-reference; deleting obsolete provisions; amending s. 215.619, F.S.; providing that Everglades restoration bonds are on a parity basis with other land acquisition bonds; amending s. 259.032, F.S.; authorizing the use of funds in the Conservation and Recreation Lands Trust Fund for management, maintenance, and capital improvements for conservation and recreation lands, including lands acquired under the Babcock Crescent B Ranch Florida Forever acquisition; revising requirements for the development of an individual land management plan; amending s. 259.105, F.S.; establishing the Legislature's intent that the protection and buffering of military installations is of great importance; directing the Acquisition and Restoration Council to also give priority consideration to the acquisition of lands that protect and buffer military installations; amending s. 259.1051, F.S.; conforming the distribution of funds from the Florida Forever Trust

Fund; creating s. 259.1052, F.S.; providing for the acquisition of the state's portion of the Babcock Crescent B Ranch; providing a definition; granting authority to the Department of Environmental Protection to distribute funds for the acquisition of the Babcock Crescent B Ranch; creating s. 259.10521, F.S.; authorizing the creation of a citizen support organization; providing duties and responsibilities; creating s. 259.1053, F.S.; creating the Babcock Ranch Preserve Act; providing a short title; providing definitions; requiring the Division of State Lands of the Department of Environmental Protection to perform certain staff duties and functions for Babcock Ranch, Inc.; creating Babcock Ranch, Inc., a not-for-profit corporation to be incorporated in the state; providing that the corporation shall act as an instrumentality of the state for purposes of sovereign immunity under s. 768.28, F.S.; providing that the corporation shall not be an agency under s. 20.03, F.S.; providing that the corporation is subject to the provisions of chs. 119 and 286, F.S., requiring public records and meetings; providing for the corporation to be governed by the Babcock Board of Directors; providing for the appointment of board members and terms of office; prohibiting any board member from voting on any measure that constitutes a conflict of interest; providing for the board members to serve without compensation, but to receive per diem and travel expenses; authorizing state agencies to provide state employees for purposes of implementing the Babcock Ranch Preserve; providing certain powers and duties of the corporation; providing limitations on the powers and duties of the corporation; providing that the corporation and its subsidiaries must provide equal employment opportunities; providing for the corporation to establish and manage an operating fund; requiring an annual financial audit of the accounts and records of the corporation; requiring annual reports by the corporation to the Board of Trustees of the Internal Improvement Trust Fund, the Legislature, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; requiring that the corporation prepare an annual budget; specifying a goal of self-sustaining operation within a certain period; providing for the corporation to retain donations and other moneys; requiring that the corporation adopt articles of incorporation and bylaws subject to the approval of the Board of Trustees of the Internal Improvement Trust Fund; authorizing the corporation to appoint advisory committees; providing requirements for a comprehensive business plan; specifying the procedures by which the corporation shall assume the management and operation of the Babcock Ranch Preserve; prohibiting the corporation from taking certain actions without the consent of the Board of Trustees of the Internal Improvement Trust Fund; requiring that the corporation be subject to certain state laws and rules governing the procurement of commodities and services; authorizing the corporation to assess fees; providing for management of the Babcock Ranch Preserve until expiration of a current management agreement; providing for reversion of the management and operation responsibilities to certain agencies upon the dissolution of the corporation; providing that the corporation may be dissolved only by an act of the Legislature; providing for reversion of funds upon the dissolution of the corporation; providing appropriations; providing effective dates.

WHEREAS, the Babcock Ranch comprises the largest private undeveloped single-ownership tract of land in Charlotte County and contains historical evidence in the form of old logging camps and other artifacts that indicate the importance of this land for domesticated livestock production, timber supply, and other bona fide agricultural uses, and

WHEREAS, the careful husbandry of the Babcock Ranch, including selective timbering, limited grazing and hunting, and the use of prescribed burning, has preserved a mix of healthy range and timberland with significant species diversity and provides a model for sustainable land development and use, and

WHEREAS, the Babcock Ranch must be protected for current and future generations by continued operation as a working ranch under a unique management regime that protects the land and resource values of the property and the surrounding ecosystem while allowing and providing for the ranch to become financially self-sustaining, and

WHEREAS, it is in the public's best interest that the management regime for the Babcock Ranch include the development of an operational program for appropriate preservation and development of the ranch's land and resources, and

WHEREAS, the public's interest will be served by the creation of a not-for-profit corporation to develop and implement environmentally sensitive, cost-effective, and creative methods to manage and operate a working ranch, NOW, THEREFORE,

Pursuant to Rule 4.19, **CS for CS for SB 1226** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 2380** was deferred.

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On motion by Senator King—

**CS for CS for SB 1132**—A bill to be entitled An act relating to enterprise zones; amending s. 195.099, F.S.; revising the expiration date of provisions governing the assessment of new, rebuilt, or expanded businesses to coincide with the expiration of the Florida Enterprise Zone Act; amending s. 212.08, F.S.; limiting the tax exemption provided for the rehabilitation of real property to one parcel of real property unless there is a change in ownership, a new lessor, or a new lessee; providing for retroactive application; amending ss. 212.096 and 220.03, F.S.; redefining the term “new job has been created” for purposes of the enterprise zone jobs credit against the sales tax and the income tax code; amending s. 220.13, F.S.; revising the expiration date of a provision requiring that certain wages, salaries, and ad valorem school taxes be added to adjusted federal income; amending s. 220.181, F.S.; revising the requirement for demonstrating an increase in the number of jobs for purposes of qualifying for the enterprise zone jobs credit; amending s. 290.0055; requiring notification of a proposed change to an enterprise zone boundary; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1132** to **HB 7055**.

Pending further consideration of **CS for CS for SB 1132** as amended, on motion by Senator King, by two-thirds vote **HB 7055** was withdrawn from the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

On motion by Senator King—

**HB 7055**—A bill to be entitled An act relating to enterprise zones; amending s. 195.099, F.S.; reenacting a periodic review requirement; providing for future expiration; amending s. 220.03, F.S.; revising a definition; amending s. 212.08, F.S.; limiting the exemption by refund of certain taxes for rehabilitation of certain property in an enterprise zone; providing an exception; providing for retroactive application; amending s. 212.096, F.S.; revising definitions; revising an information requirement for claiming an enterprise zone jobs tax credit; amending s. 220.13, F.S.; reenacting a definitional provision; providing for future expiration of provisions relating to enterprise zone credits; amending s. 220.181, F.S.; revising certain criteria for granting an enterprise zone jobs tax credit; amending s. 290.0055, F.S.; providing a meeting notice requirement for a governing body adopting an enterprise zone boundary change resolution; providing for time-limited continuing eligibility for a building materials tax exemption for certain businesses; specifying eligibility requirements; providing for retroactive application; providing for future repeal; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1132** as amended and read the second time by title.

## MOTION

On motion by Senator Alexander, the rules were waived to allow the following amendment to be considered:

Senator Alexander moved the following amendment which was adopted:

**Amendment 1 (110078)(with title amendment)**—On page 14, between lines 352 and 353, insert:

Section 8. Section 290.0072, Florida Statutes, is created to read:

*290.0072 Enterprise zone designation for the City of Winter Haven.—The City of Winter Haven may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area*

*within the City of Winter Haven, which zone shall encompass an area up to 5 square miles. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 18, after the first semicolon (;) insert: creating s. 290.0072, F.S.; authorizing the City of Winter Haven to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements for the area of the enterprise zone; requiring the office to establish the effective date of the enterprise zone;

#### MOTION

On motion by Senator King, the rules were waived to allow the following amendment to be considered:

Senator King moved the following amendment which was adopted:

**Amendment 2 (152000)(with title amendment)**—On page 14, lines 353-383, delete those lines

And the title is amended as follows:

On page 1, lines 18-22, delete those lines and insert: resolution; providing an effective date.

Pursuant to Rule 4.19, **HB 7055** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

**CS for SB 1366**—A bill to be entitled An act relating to radiologist assistants; amending s. 468.3001, F.S.; redesignating part IV of ch. 468, F.S., as the “Radiological Personnel Certification Act”; amending s. 468.301, F.S.; providing definitions; amending s. 468.302, F.S.; providing for identification and duties of a radiologist assistant; providing for rulemaking by the Department of Health; providing limitations on duties a radiologist assistant may perform; amending s. 468.304, F.S.; providing conditions for qualification for a radiologist assistant’s certificate; amending s. 468.306, F.S.; requiring certain applicants for certification to accept certain demonstrations by an applicant for a certification to practice as a radiologist assistant in lieu of any examination requirement; amending s. 468.3065, F.S.; authorizing the Department of Health to issue certificates by endorsement to certain radiologist assistants; providing for a fee; amending ss. 468.307, 468.309, 468.3095, 468.3101, 468.311, and 468.3115, F.S.; including radiologist assistants in provisions applicable to radiologic technologists with respect to requirements for certificate display, certificate renewal, change of certificate status, grounds for disciplinary action, violations, penalties, and injunctive relief; amending s. 468.314, F.S.; adding a certified radiologist assistant to the membership of the Advisory Council on Radiation Protection; providing an effective date.

—was read the second time by title.

Senator Atwater moved the following amendment which was adopted:

**Amendment 1 (433244)**—On page 4, lines 19 and 20, delete those lines and insert:

2. *Not perform nuclear medicine or radiation therapy procedures unless currently certified and trained to perform those duties under the person’s nuclear medicine technologist or radiation therapy technologist certificate; not interpret images; not make diagnoses; and not prescribe medications or therapies.*

Pursuant to Rule 4.19, **CS for SB 1366** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 7127** was withdrawn from the Committees on Community Affairs; Judiciary; Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

On motion by Senator Bennett—

**HB 7127**—A bill to be entitled An act relating to the disturbance of assemblies; amending s. 871.01, F.S.; providing a penalty for willfully interrupting or disturbing an assembly of people met for the purpose of acknowledging the death of an individual with a military funeral honors detail; reenacting s. 871.02, F.S., relating to indictments or informations for disturbing assembly, for the purpose of incorporating the amendment to s. 871.01, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 218** and read the second time by title.

Pursuant to Rule 4.19, **HB 7127** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

**CS for CS for SB 1612**—A bill to be entitled An act relating to fiscally constrained counties; amending s. 202.18, F.S.; providing for a distribution of communications services taxes to fiscally constrained counties; amending s. 218.65, F.S.; providing for a transitional emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain fiscally constrained counties; revising criteria for receiving certain funds from the Local Government Half-cent Sales Tax Clearing Trust Fund; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing for a phaseout period; providing for the use of funds; amending s. 985.2155, F.S.; revising the definition of the term “fiscally constrained county” applicable to shared county and state responsibility for juvenile detention; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1612** to **HB 293**.

Pending further consideration of **CS for CS for SB 1612** as amended, on motion by Senator Baker, by two-thirds vote **HB 293** was withdrawn from the Committees on Community Affairs; Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

On motion by Senator Baker—

**HB 293**—A bill to be entitled An act relating to fiscally constrained counties; amending s. 212.20, F.S.; providing for a distribution of tax revenue to fiscally constrained counties; amending s. 218.65, F.S.; providing for a transitional emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain fiscally constrained counties; revising criteria for receiving certain funds from the Local Government Half-cent Sales Tax Clearing Trust Fund; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing for a phaseout period; providing for the use of funds; amending s. 288.1169, F.S.; correcting a cross-reference; amending s. 985.2155, F.S.; revising the definition of the term “fiscally constrained county” applicable to shared county and state responsibility for juvenile detention; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1612** as amended and read the second time by title.

Senator Baker moved the following amendment which was adopted:

**Amendment 1 (113050)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 202.18, Florida Statutes, is amended to read:

202.18 Allocation and disposition of tax proceeds.—The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(2) The proceeds of the taxes remitted under s. 202.12(1)(b) shall be divided as follows:

(a) The portion of such proceeds which constitutes gross receipts taxes, imposed at the rate prescribed in chapter 203, shall be deposited as provided by law and in accordance with s. 9, Art. XII of the State Constitution.

(b) Sixty-three percent of the remainder shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to s. 212.20(6)(d)3. shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

(c)1. During each calendar year, the remaining portion of such proceeds shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund. *Seventy percent of such proceeds and* shall be allocated in the same proportion as the allocation of total receipts of the half-cent sales tax under s. 218.61 and the emergency distribution under s. 218.65 in the prior state fiscal year. *Thirty percent of such proceeds shall be distributed pursuant to s. 218.67.*

2. The proportion of the proceeds allocated based on the emergency distribution under s. 218.65 shall be distributed pursuant to s. 218.65.

3. In each calendar year, the proportion of the proceeds allocated based on the half-cent sales tax under s. 218.61 shall be allocated to each county in the same proportion as the county's percentage of total sales tax allocation for the prior state fiscal year and distributed pursuant to s. 218.62.

4. The department shall distribute the appropriate amount to each municipality and county each month at the same time that local communications services taxes are distributed pursuant to subsection (3).

Section 2. Section 218.65, Florida Statutes, is amended to read:

218.65 Emergency distribution.—

(1) Each county government which meets the provisions of subsection (2) or subsection (8)(7) and which participates in the local government half-cent sales tax shall receive a distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund in addition to its regular monthly distribution as provided in this part.

(2) The Legislature hereby finds and declares that a fiscal emergency exists in any county which meets the *following* criteria ~~specified in paragraph (a), if applicable, and the criterion specified in paragraph (b):~~

(a) If The county has a population of 65,000 or less; and ~~above:~~

1. ~~In any year from 1977 to 1981, inclusive, the value of net new construction and additions placed on the tax roll for that year was less than 2 percent of the taxable value for school purposes on the roll for that year, exclusive of such net value; or~~

2. ~~The percentage increase in county taxable value from 1979 to 1980, 1980 to 1981, or 1981 to 1982 was less than 3 percent.~~

(b) The moneys distributed to the county government pursuant to s. 218.62 for the prior fiscal year were less than the current per capita limitation, based on the population of that county.

(3) Qualification under this section shall be determined annually at the start of the fiscal year. Emergency and supplemental moneys shall be distributed monthly with other moneys provided pursuant to this part.

(4) For the fiscal year beginning in 1988, the per capita limitation shall be \$24.60. Thereafter, commencing with the fiscal year which begins in 1989, this limitation shall be adjusted annually for inflation. The annual adjustment to the per capita limitation for each fiscal period shall be the percentage change in the state and local government price deflator for purchases of goods and services, all items, 1983 equals 100, or successor reports for the preceding calendar year as initially reported

by the United States Department of Commerce, Bureau of Economic Analysis, as certified by the Florida Consensus Estimating Conference.

(5) At the beginning of each fiscal year, the Department of Revenue shall calculate a base allocation for each eligible county equal to the difference between the current per capita limitation times the county's population, minus prior year ordinary distributions to the county pursuant to ss. 212.20(6)(d)3., 218.61, and 218.62. If moneys deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(d)4., excluding moneys appropriated for supplemental distributions pursuant to subsection (8)(7), for the current year are less than or equal to the sum of the base allocations, each eligible county shall receive a share of the appropriated amount proportional to its base allocation. If the deposited amount exceeds the sum of the base allocations, each county shall receive its base allocation, and the excess appropriated amount, *less any amounts distributed under subsection (6)*, shall be distributed equally on a per capita basis among the eligible counties.

(6) *If moneys deposited in the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 202.18(2)(c)1. exceed the amount necessary to provide the base allocation to each eligible county, the moneys in the trust fund may be used to provide a transitional distribution, as specified in this subsection, to certain counties whose population has increased. The transitional distribution shall be made available to each county that qualified for a distribution under subsection (2) in the prior year but does not, because of the requirements of paragraph (2)(a), qualify for a distribution in the current year. Beginning on July 1 of the year following the year in which the county no longer qualifies for a distribution under subsection (2), the county shall receive two-thirds of the amount received in the prior year, and beginning July 1 of the second year following the year in which the county no longer qualifies for a distribution under subsection (2), the county shall receive one-third of the amount it received in the last year it qualified for the distribution under subsection (2). If insufficient moneys are available in the Local Government Half-cent Sales Tax Clearing Trust Fund to fully provide such a transitional distribution to each county that meets the eligibility criteria in this section, each eligible county shall receive a share of the available moneys proportional to the amount it would have received had moneys been sufficient to fully provide such a transitional distribution to each eligible county.*

(7)(6) There is hereby annually appropriated from the Local Government Half-cent Sales Tax Clearing Trust Fund the distribution provided in s. 212.20(6)(d)4. to be used for emergency and supplemental distributions pursuant to this section.

(8)(7)(a) Any county the inmate population of which in any year is greater than 7 percent of the total population of the county is eligible for a supplemental distribution for that year from funds expressly appropriated therefor. At the beginning of each fiscal year, the Department of Revenue shall calculate a supplemental allocation for each eligible county equal to the current per capita limitation pursuant to subsection (4) times the inmate population of the county. If moneys appropriated for distribution pursuant to this section for the current year are less than the sum of supplemental allocations, each eligible county shall receive a share of the appropriated amount proportional to its supplemental allocation. Otherwise, each shall receive an amount equal to its supplemental allocation.

(b) For the purposes of this subsection, the term:

1. "Inmate population" means the latest official state estimate of the number of inmates and patients residing in institutions operated by the Federal Government, the Department of Corrections, or the Department of Children and Family Services.

2. "Total population" includes inmate population and noninmate population.

Section 3. Section 218.67, Florida Statutes, is created to read:

218.67 Distribution for fiscally constrained counties.—

(1) *Each county that is within a rural area of critical economic concern as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1, shall be considered a fiscally constrained county.*

(2) Each fiscally constrained county government that participates in the local government half-cent sales tax shall be eligible to receive an additional distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund, as provided in s. 202.18(2)(c)1., in addition to its regular monthly distribution provided under this part and any emergency or supplemental distribution under s. 218.65.

(3) The amount to be distributed to each fiscally constrained county shall be determined by the Department of Revenue at the beginning of the fiscal year, using the prior fiscal year's July 1 taxable value certified pursuant to s. 1011.62(4)(a)1.a., tax data, population as defined in s. 218.21, and millage rate levied for the prior fiscal year. The amount distributed shall be allocated based upon the following factors:

(a) The relative revenue-raising-capacity factor shall be the ability of the eligible county to generate ad valorem revenues from 1 mill of taxation on a per capita basis. A county that raises no more than \$25 per capita from 1 mill shall be assigned a value of 1; a county that raises more than \$25 but no more than \$30 per capita from 1 mill shall be assigned a value of 0.75; and a county that raises more than \$30 but no more than \$50 per capita from 1 mill shall be assigned a value of 0.5. No value shall be assigned to counties that raise more than \$50 per capita from 1 mill of ad valorem taxation.

(b) The local-effort factor shall be a measure of the relative level of local effort of the eligible county as indicated by the millage rate levied for the prior fiscal year. The local-effort factor shall be the most recently adopted countywide operating millage rate for each eligible county multiplied by 0.1.

(c) Each eligible county's proportional allocation of the total amount available to be distributed to all of the eligible counties shall be in the same proportion as the sum of the county's two factors is to the sum of the two factors for all eligible counties. The counties that are eligible to receive an allocation under this subsection and the amount available to be distributed to such counties shall not include counties participating in the phaseout period under subsection (4) or the amounts they remain eligible to receive during the phaseout.

(4) For those counties that no longer qualify under the requirements of subsection (1) after the effective date of this act, there shall be a 2-year phaseout period. Beginning on July 1 of the year following the year in which the value of a mill for that county exceeds \$5 million in revenue, the county shall receive two-thirds of the amount received in the prior year, and beginning on July 1 of the second year following the year in which the value of a mill for that county exceeds \$5 million in revenue, the county shall receive one-third of the amount received in the last year that the county qualified as a fiscally constrained county. Following the 2-year phaseout period, the county shall no longer be eligible to receive any distributions under this section unless the county can be considered a fiscally constrained county as provided in subsection (1).

(5) The revenues received under this section may be used by a county for any public purpose, except that such revenues may not be used to pay debt service on bonds, notes, certificates of participation, or any other forms of indebtedness.

Section 4. Paragraph (b) of subsection (2) of section 985.2155, Florida Statutes, is amended to read:

985.2155 Shared county and state responsibility for juvenile detention.—

(2) As used in this section, the term:

(b) "Fiscally constrained county" means a county that is within designated as a rural area of critical economic concern as designated by the Governor pursuant to ~~under~~ s. 288.0656 or each county for which the value of a mill will raise in the county is no more than \$5 ~~\$3~~ million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1 ~~property valuations and tax data annually published by the Department of Revenue under s. 195.052.~~

Section 5. This act shall take effect July 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to fiscally constrained counties; amending s.

202.18, F.S.; providing for a distribution of communications services taxes to fiscally constrained counties; amending s. 218.65, F.S.; providing for a transitional emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain fiscally constrained counties; revising criteria for receiving certain funds from the Local Government Half-cent Sales Tax Clearing Trust Fund; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing for a phaseout period; providing for the use of funds; amending s. 985.2155, F.S.; revising the definition of the term "fiscally constrained county" applicable to shared county and state responsibility for juvenile detention; providing an effective date.

Pursuant to Rule 4.19, **HB 293** as amended was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 1596** was deferred.

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On motion by Senator Constantine—

**CS for SB 1194**—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S., the "Interlocal Service Boundary Agreement Act"; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may or must address; requiring that emergency medical services be provided by the existing provider to an annexed area with certain exceptions; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing for review of the amendment by the state land planning agency; providing an exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; providing for negotiation and adoption of the agreement; providing for preservation of certain agreements and powers regarding utility services; providing for preservation of existing contracts; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; providing for initiation of judicial review and reimbursement of attorney's fees and costs regarding certain annexations or contractions; amending s. 163.01, F.S.; providing for the place of filing an interlocal agreement in certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; providing for establishment of regional impact planning committees in geographic areas involving developments of regional impact by the Secretary of Community Affairs; specifying responsibilities of the committees; requiring each committee to prepare a vision and plan and report to the Governor and Legislature; providing for the establishment and operation of such committees; directing the Governor to appoint members from a list created by the regional planning councils; directing the regional planning councils to reimburse expenses incurred by a committee; providing an effective date.

—was read the second time by title.



Senator Constantine moved the following amendment:

**Amendment 1 (384344)(with title amendment)**—On page 26, line 22 through page 28, line 11, delete those lines and insert:

Section 9. Section 163.31801, Florida Statutes, is created to read:

*163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.—*

(1) *This section may be cited as the “Florida Impact Fee Act.”*

(2) *The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments’ reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.*

(3) *An impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum:*

(a) *Require that the calculation of the impact fee be based on the most recent and localized data.*

(b) *Significantly address affordable housing by waiving, exempting, or deferring impact fees; paying impact fees for affordable housing units out of another revenue source; or establishing a significant affordable housing program.*

(c) *Provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity shall account for the revenues and expenditures of such impact fee in a separate accounting fund.*

(d) *Limit administrative charges for the collection of impact fees to actual costs.*

(e) *Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or amended impact fee.*

(4) *Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.*

And the title is amended as follows:

On page 3, lines 8-20, delete those lines and insert: creating s. 163.31801, F.S.; creating the “Florida Impact Fee Act”; providing legislative intent; requiring that an impact fee meet certain specified requirements concerning calculation of the fee, affordable housing, accounting for revenues and expenditures, provision of notice, and collection of administrative costs; requiring inclusion of an affidavit certifying compliance with the act in certain audits of financial statements of a local government entity or a school board provided to the Auditor General; providing an

## MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (845586)**—On page 2, lines 12 and 13, delete those lines and insert: *source.*

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1194** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

**CS for CS for CS for SB 2114**—A bill to be entitled An act relating to motor vehicle insurance; reorganizing provisions pertaining to personal injury protection benefits under the Florida Motor Vehicle No-Fault Law for the purpose of clarifying its meaning and intent and for the purpose of better comprehension; amending s. 627.736, F.S.; providing that a self-employed injured person or an injured person owning 25 percent or more interest in an employer offer proof of income and lost wages to insurers as a condition precedent for payment; providing for a statement of earnings; requiring an insured to notify an insurer in writing of election to reserve benefits for lost wages; specifying that such notification takes priority over other claims, except specified hospital liens; providing for Medicaid benefits; requiring the Department of Health to determine by rule tests deemed not to be medically necessary; providing guidance as to criteria to be considered; providing for required payment of benefits; authorizing a parent or legal guardian of an injured minor to complete application for personal injury protection benefits; providing for changes for treatment of injured persons; providing requirements for compliance with billing procedures; specifying the time period within which a health care provider or other specified provider must submit a statement of charges; prohibiting providers from billing an injured person under specified conditions for emergency services and care; requiring insurers to provide specified documents to insureds; requiring that amounts repayable to an insurer include the statutory interest penalty; increasing the time period for an insurer to respond to a demand letter; providing requirements for the production and inspection of an injured person’s medical records from a provider; providing a right of compensation to health care providers for responding to requests for information by insurers; providing for application of attorney’s fees; providing that persons notifying insurers of improper billing may obtain a reward; restricting venue for any personal injury protection claim to specified jurisdictions and providing for costs of transferring venue; amending s. 316.068, F.S.; specifying information to be included in a crash report; creating a rebuttable presumption regarding the existence of passengers; specifying conditions relating to reporting passengers; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person’s driver’s license; amending s. 817.234, F.S.; revising provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is a felony of the third degree; providing appropriations; authorizing positions and a salary rate; abrogating the repeal of provisions pertaining to the Florida Motor Vehicle No-Fault Law; providing an effective date.

—was read the second time by title.

## MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendment to be considered:

Senator Garcia moved the following amendment which was adopted:

**Amendment 1 (783088)(with title amendment)**—On page 3, line 12 through page 50, line 14, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 3 through page 2, line 18, delete those lines and insert: amending s. 316.068,

Pursuant to Rule 4.19, **CS for CS for CS for SB 2114** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 2112** was deferred.

On motion by Senator Fasano—

**CS for CS for SB 142**—A bill to be entitled An act relating to telecommunications; amending s. 364.051, F.S., relating to price regulation; allowing a telecommunications company to publicly publish price lists



for nonbasic services; providing guidelines for such publication; allowing 1 day's notice for price changes to nonbasic services; deleting a company's option to elect that its basic services be treated as nonbasic services; requiring a company to request that the Public Service Commission lessen its service quality regulation; providing criteria for granting a petition to change regulatory treatment of retail services; amending s. 364.025, F.S.; providing definitions; providing that a local exchange telecommunications company obligated to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to customers in a multitenant business or residential property under certain circumstances; requiring the local exchange telecommunications company to notify the Public Service Commission when it is relieved of the obligation to provide service; providing for the local exchange telecommunications company to request a waiver of its carrier of last resort obligation from the commission; providing for carrier of last resort obligation to apply when specified conditions cease to exist; providing for effect of the act on the commission's jurisdiction; providing an effective date.

—was read the second time by title.

Senators Constantine and Argenziano offered the following amendment which was moved by Senator Constantine and adopted:

**Amendment 1 (131526)(with title amendment)**—On page 9, lines 1 and 2, delete those lines and insert:

Section 3. Section 350.0611, Florida Statutes, is amended to read:

350.0611 Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the commission and in proceedings before counties pursuant to s. 367.171(8) *and to provide legal representation to the State of Florida and its political subdivisions in their capacity as consumers of communications services and utility services.* The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the commission or the counties, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission or the counties, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission or the counties which shall be reviewable by summary procedure in the circuit courts of this state.;

(2) To have access to and use of all files, records, and data of the commission or the counties available to any other attorney representing parties in a proceeding before the commission or the counties.;

(3) In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission or the counties, or of any hearing examiner designated by the commission or the counties, in the name of the state or its citizens.;

(4) To prepare and issue reports, recommendations, and proposed orders to the commission, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission, and to make such recommendations as he or she deems appropriate for legislation relative to commission procedures, rules, jurisdiction, personnel, and functions.;

(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission, in the name of the state or its citizens, *and on behalf of the State of Florida and its political subdivisions in their capacity as consumers of communications services and utility services.*

(6) *To receive and investigate complaints that involve communications services, as that term is defined in s. 202.11(2), and that are not within the jurisdiction of the Public Service Commission. If the Public Counsel believes the practice forming the basis of a complaint constitutes an unfair or deceptive trade practice or other unlawful practice as defined in s. 501.204, either standing on its own or when considered with other similar, actual practices or potentially systemic practices, the Public*

*Counsel may appear in the name of the residents of the State of Florida to petition the Circuit Court of Leon County, or any other circuit court of the state in which the practice was identified, to enjoin the practice as an unfair and deceptive trade practice, and to petition for a judgment for actual damages for aggrieved consumers, for civil penalties of not more than \$10,000 for each willful unfair and deceptive trade practice or not more than \$15,000 for each willful unfair and deceptive trade practice that meets the criteria of s. 501.2077, and to recover attorney's fees and costs of investigation and court costs. Any moneys collected under this subsection, other than moneys recovered for consumer damages, shall be deposited as received into the General Revenue Fund unallocated.*

(7) *To appear before state and federal agencies, including, but not limited to, the Florida Public Service Commission, the Department of Environmental Protection, the Department of Community Affairs, the Federal Energy Regulatory Commission, the Federal Communications Commission, and the Federal Trade Commission, in the name of the state or its residents, and on behalf of the State of Florida and its political subdivisions in their capacity as consumers of communications services and utility services, for any purpose that in the discretion of the Public Counsel would enhance terms and conditions of utility and communications services afforded to the residents of the State of Florida or to the state or its political subdivisions as consumers or would lead to more affordable rates charged by utility and communications providers. The Public Counsel may also challenge any fee, tax, or other assessment levied by any state or federal authority which the Public Counsel believes will have a substantial detrimental effect on the utility or communications services provided or on the price charged to Florida residents or to the State of Florida as a consumer.*

Section 4. *The sum of \$800,000 of recurring funds from the General Revenue Fund is appropriated to the Office of Public Counsel for the 2006-2007 fiscal year.*

Section 5. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 1 through page 2, line 2, delete those lines and insert: A bill to be entitled An act relating to communications; amending s. 364.051, F.S., relating to price regulation; allowing a telecommunications company to publicly publish price lists for nonbasic services; providing guidelines for such publication; allowing 1 day's notice for price changes to nonbasic services; deleting a company's option to elect that its basic services be treated as nonbasic services; requiring a company to request that the Public Service Commission lessen its service quality regulation; providing criteria for granting a petition to change regulatory treatment of retail services; amending s. 364.025, F.S.; providing definitions; providing that a local exchange telecommunications company obligated to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to customers in a multitenant business or residential property under certain circumstances; requiring the local exchange telecommunications company to notify the Public Service Commission when it is relieved of the obligation to provide service; providing for the local exchange telecommunications company to request a waiver of its carrier of last resort obligation from the commission; providing for carrier of last resort obligation to apply when specified conditions cease to exist; providing for effect of the act on the commission's jurisdiction; amending s. 350.0611, F.S.; providing additional authority to the Public Counsel, including the authority to provide legal representation to, and to appear on behalf of, the state and its political subdivisions as consumers of communications services and utility services, to receive, investigate, and take legal action upon complaints involving communications services not within the jurisdiction of the Public Service Commission, to appear before state and federal agencies to enhance terms and conditions of utility and communications services, and to analyze and report on pending legislation relevant to utility and communications services; providing appropriations; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 142** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

**CS for SB 1544**—A bill to be entitled An act relating to telecommunications carriers of last resort; amending s. 364.025, F.S.; providing definitions; providing that a local exchange telecommunications company

obligated to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to customers in a multitenant business or residential property under certain circumstances; requiring the local exchange telecommunications company to notify the Public Service Commission when it is relieved of the obligation to provide service; providing for the local exchange telecommunications company to request a waiver of its carrier of last resort obligation from the commission; providing for carrier of last resort obligation to apply when specified conditions cease to exist; providing for effect of the act on the commission's jurisdiction; providing an effective date.

—was read the second time by title.

Senators Constantine and Argenziano offered the following amendment which was moved by Senator Constantine and adopted:

**Amendment 1 (163368)(with title amendment)**—On page 4, between lines 18 and 19, insert:

Section 2. Section 350.0611, Florida Statutes, is amended to read:

350.0611 Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the commission and in proceedings before counties pursuant to s. 367.171(8) *and to provide legal representation to the State of Florida and its political subdivisions in their capacity as consumers of communications services and utility services.* The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the commission or the counties, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties and urge therein any position which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission or the counties, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission or the counties which shall be reviewable by summary procedure in the circuit courts of this state.;

(2) To have access to and use of all files, records, and data of the commission or the counties available to any other attorney representing parties in a proceeding before the commission or the counties.;

(3) In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission or the counties, or of any hearing examiner designated by the commission or the counties, in the name of the state or its citizens.;

(4) To prepare and issue reports, recommendations, and proposed orders to the commission, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission, and to make such recommendations as he or she deems appropriate for legislation relative to commission procedures, rules, jurisdiction, personnel, and functions.;

(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission, in the name of the state or its citizens, *and on behalf of the State of Florida and its political subdivisions in their capacity as consumers of communications services and utility services.*

(6) *To receive and investigate complaints that involve communications services, as that term is defined in s. 202.11(2), and that are not within the jurisdiction of the Public Service Commission. If the Public Counsel believes the practice forming the basis of a complaint constitutes an unfair or deceptive trade practice or other unlawful practice as defined in s. 501.204, either standing on its own or when considered with other similar, actual practices or potentially systemic practices, the Public Counsel may appear in the name of the residents of the State of Florida to petition the Circuit Court of Leon County, or any other circuit court of the state in which the practice was identified, to enjoin the practice as an unfair and deceptive trade practice, and to petition for a judgment for actual damages for aggrieved consumers, for civil penalties of not more than \$10,000 for each willful unfair and deceptive trade practice or not more than \$15,000 for each willful unfair and deceptive trade practice that meets the criteria of s. 501.2077, and to recover attorney's fees and*

*costs of investigation and court costs. Any moneys collected under this subsection, other than moneys recovered for consumer damages, shall be deposited as received into the General Revenue Fund unallocated.*

(7) *To appear before state and federal agencies, including, but not limited to, the Florida Public Service Commission, the Department of Environmental Protection, the Department of Community Affairs, the Federal Energy Regulatory Commission, the Federal Communications Commission, and the Federal Trade Commission, in the name of the state or its residents, and on behalf of the State of Florida and its political subdivisions in their capacity as consumers of communications services and utility services, for any purpose that in the discretion of the Public Counsel would enhance terms and conditions of utility and communications services afforded to the residents of the State of Florida or to the state or its political subdivisions as consumers or would lead to more affordable rates charged by utility and communications providers. The Public Counsel may also challenge any fee, tax, or other assessment levied by any state or federal authority which the Public Counsel believes will have a substantial detrimental effect on the utility or communications services provided or on the price charged to Florida residents or to the State of Florida as a consumer.*

Section 3. The sum of \$800,000 of recurring funds from the General Revenue Fund is appropriated to the Office of Public Counsel for the 2006-2007 fiscal year.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 1-21, delete those lines and insert: A bill to be entitled An act relating to communications; amending s. 364.025, F.S.; providing definitions; providing that a local exchange telecommunications company obligated to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to customers in a multitenant business or residential property under certain circumstances; requiring the local exchange telecommunications company to notify the Public Service Commission when it is relieved of the obligation to provide service; providing for the local exchange telecommunications company to request a waiver of its carrier of last resort obligation from the commission; providing for carrier of last resort obligation to apply when specified conditions cease to exist; providing for effect of the act on the commission's jurisdiction; amending s. 350.0611, F.S.; providing additional authority to the Public Counsel, including the authority to provide legal representation to, and to appear on behalf of, the state and its political subdivisions as consumers of communications services and utility services, to receive, investigate, and take legal action upon complaints involving communications services not within the jurisdiction of the Public Service Commission, to appear before state and federal agencies to enhance terms and conditions of utility and communications services, and to analyze and report on pending legislation relevant to utility and communications services; providing appropriations; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 1544** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Margolis—

**CS for SB 1560**—A bill to be entitled An act relating to psychology specialties; creating s. 490.0149, F.S.; providing a definition; specifying the circumstances under which a psychologist may hold himself or herself out as a certified psychology specialist or psychology diplomate; requiring the Board of Psychology to adopt rules and establish specified criteria for the approval of certifying bodies; specifying that a psychologist licensed under ch. 490, F.S., may specify the types of services he or she provides; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment which was adopted:

**Amendment 1 (843398)**—On page 2, lines 1-13, delete those lines and insert: (3) *The board shall adopt rules to establish criteria for approval of certifying bodies that provide certification for specialties in psychology as provided in subsection (1). The criteria shall include that a certifying body:*

(a) *Be national in scope, incorporate standards of the profession, and collaborate closely with organizations related to specialization in psychology.*

(b) *Have clearly described purposes, by-laws, policies, and procedures.*

(c) *Have established standards for specialized practice of psychology.*

(d) *Provide assessments that include the development and implementation of an examination designed to measure the competencies required to provide services that are characteristic of the specialty area.*

## MOTION

On motion by Senator Margolis, the rules were waived to allow the following amendment to be considered:

Senator Margolis moved the following amendment which was adopted:

**Amendment 2 (853446)**—On page 1, lines 19-23, delete those lines and insert:

490.0149 *Specialties.*—

(1) *As used in this section, the term “certified psychology specialist,” “board-certified psychology specialist,” or “psychology diplomate” means a psychologist with recognized special competency acquired through an organized sequence of formal education, training, experience, and professional standing that is recognized by a certifying body approved by the board pursuant to criteria adopted under subsection (3).*

Pursuant to Rule 4.19, **CS for SB 1560** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for CS for CS for SB 1388** was deferred.

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On motion by Senator Garcia—

**CS for SB 2118**—A bill to be entitled An act relating to the Florida Workers' Compensation Joint Underwriting Association, Inc.; amending s. 627.311, F.S.; providing requirements for the joint underwriting plan of insurers which operates as the association; revising the membership of the board of governors that oversees operation of the joint underwriting plan; providing for continuous review of the plan; requiring that the market-assistance plan be periodically reviewed and updated; providing guidelines for procurement of goods and services, including legal services; prohibiting hiring an outside lobbyist; authorizing the use of surplus funds of former plan C; extending the deadline to access contingency reserves; authorizing the board of the association to request a transfer of funds from the Workers' Compensation Administration Trust Fund under certain circumstances; providing that the plan is subject to the same requirements for filing and approval of rating plans as workers' compensation insurers; deleting certain provisions limiting the disapproval of rates by the Office of Insurance Regulation; requiring that excess funds received by the plan be returned to the state; providing applicability of specified statutes regulating ethical standards; requiring annual statements by plan employees that they do not have conflicts of interest; prescribing limits on representing persons or entities before the plan by former senior managers or officers of the plan; prohibiting any part of the plan's income from inuring to the benefit of a private individual; prohibiting employees and board members from accepting expenditures from a person or an entity; providing applicability; requiring periodic comprehensive market examinations; prescribing disposition of assets of the plan upon dissolution; amending s. 2 of ch. 2004-266, Laws of Florida; extending the period for maintaining the contingency reserve and the period for projecting current cash needs; requiring the plan to submit a request for an Internal Revenue Service letter concerning the plan's eligibility as a tax-exempt organization; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2118** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Fasano—

**CS for SB 1006**—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; revising definitions; requiring the sponsoring agency of a community residential home to provide certain information to a local government under certain circumstances; deleting obsolete provisions; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1006** to **HB 351**.

Pending further consideration of **CS for SB 1006** as amended, on motion by Senator Fasano, by two-thirds vote **HB 351** was withdrawn from the Committees on Children and Families; Community Affairs; and Health and Human Services Appropriations.

On motion by Senator Fasano—

**HB 351**—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; revising, providing, and deleting definitions; requiring the sponsoring agency of a community residential home to provide certain information and notification regarding siting requirements to a local government under certain circumstances; providing for the licensing agency to deny or nullify a license to operate a community residential home under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1006** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 351** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Constantine—

**CS for CS for SB 1196**—A bill to be entitled An act relating to impact fees; creating s. 163.31801, F.S.; creating the “Florida Impact Fee Act”; providing legislative intent; requiring that an impact fee meet certain specified requirements concerning calculation of the fee, affordable housing, accounting for revenues and expenditures, provision of notice, collection of administrative costs, and the application of credits; providing reporting requirements for specific impact fees; excluding an impact fee or a permit fee from the definition of the term “sales price” in s. 212.02, F.S.; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendment which was adopted:

**Amendment 1 (254960)(with title amendment)**—On page 2, line 24 through page 3, line 5, delete those lines and insert:

(4) *Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.*

And the title is amended as follows:

On page 1, lines 9-14, delete those lines and insert: and collection of administrative costs; requiring inclusion of an affidavit certifying compliance with the act in certain audits of financial statements of a local government entity or a school board provided to the Auditor General; providing an effective date.

## MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted:

**Amendment 2 (482696)**—On page 2, lines 12 and 13, delete those lines and insert: *source*.

Pursuant to Rule 4.19, **CS for CS for SB 1196** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

**CS for SB 1362**—A bill to be entitled An act relating to nursing services; amending s. 395.0191, F.S.; requiring hospitals to meet the requirements of a federal regulation relating to registered nurses performing circulating duties in operating rooms; requiring circulating nurses to be present in operating rooms during specified times; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1362** was placed on the calendar of Bills on Third Reading.

**CS for SB 1872**—A bill to be entitled An act relating to the Florida Public Service Commission; amending s. 350.01, F.S.; clarifying when a commissioner's term begins and ends; deleting obsolete provisions relating to the transition from an elected to an appointed commission and to an office of hearing examiners; amending s. 350.011, F.S.; deleting obsolete provisions relating to the regulation of railroads; amending s. 350.06, F.S.; deleting provisions governing the providing of transcripts to those who request them; amending s. 350.113, F.S.; deleting provisions governing the assessment of certain regulatory fees; amending s. 350.117, F.S.; deleting obsolete provisions exempting railroads from regulation; repealing s. 350.051, F.S., relating to a Chief Auditor of the commission; repealing s. 350.80, F.S., relating to the regulation of coal slurry pipelines; repealing s. 361.08, F.S., relating to granting eminent domain power to coal pipeline companies; providing an effective date.

—was read the second time by title.

Senator Constantine moved the following amendment which was adopted:

**Amendment 1 (404486)(with title amendment)**—On page 3, line 1, delete “180” and insert: *210 180*

And the title is amended as follows:

On page 1, line 8, after the first semicolon (;) insert: *increasing the time period for notice of seeking reappointment;*

On motion by Senator Constantine, further consideration of **CS for SB 1872** as amended was deferred.

Consideration of **CS for SB 2522** was deferred.

**CS for SB 1832**—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; exempting certain advertising materials distributed free of charge by mail in an envelope; providing an effective date.

—was read the second time by title.

Senator Haridopolos moved the following amendment:

**Amendment 1 (430126)(with title amendment)**—On page 1, between lines 9 and 10, insert:

Section 1. Subsection (33) is added to section 212.02, Florida Statutes, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(33) “*Qualified aircraft*” means any aircraft that has a maximum certified takeoff weight of less than 10,000 pounds, is equipped with twin

*turbofan engines that meet Stage IV noise requirements, and is used by a business operating as an on-demand air carrier under Federal Aviation Administration Regulation Title 14, chapter I, part 135, Code of Federal Regulations, which business owns and operates a fleet of at least 25 of such aircraft in this state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: *amending s. 212.02, F.S.; defining the term “qualified aircraft”;*

On motion by Senator Haridopolos, further consideration of **CS for SB 1832** with pending **Amendment 1 (430126)** was deferred.

By direction of the President, the rules were waived and the Senate reverted to—

## BILLS ON THIRD READING

Consideration of **CS for CS for CS for SJR 2170**, **CS for SB 1430** and **CS for CS for SB 2216** was deferred.

**HB 7201**—A bill to be entitled An act relating to sexual offenses; amending s. 796.07, F.S.; providing enhanced penalties for certain violations committed within a specified distance of certain locations; amending s. 810.14, F.S.; revising the elements of the offense of voyeurism in order to eliminate acts of photographing, filming, videotaping, or recording, which are elements of the separate offense of video voyeurism; providing that a person commits the offense of voyeurism when he or she, with certain intent, secretly observes another person when the other person is in a location that provides a reasonable expectation of privacy; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Aronberg, **HB 7201** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

**HB 7145**—A bill to be entitled An act relating to seaport security; creating s. 311.111, F.S.; requiring each seaport authority or governing board of a seaport that is subject to the statewide minimum seaport security standards to designate and identify security area designations, access requirements, and security enforcement authorizations on seaport premises and in seaport security plans; providing that any part of a port's property may be designated as a restricted access area under certain conditions; amending s. 311.12, F.S.; revising purpose of security plans maintained by seaports; requiring periodic plan revisions; requiring plans to be inspected for compliance by the Office of Drug Control and the Department of Law Enforcement based upon specified standards; providing requirements with respect to protection standards in specified restricted areas; requiring delivery of the plan to specified entities; requiring the Department of Law Enforcement to inspect every seaport within the state to determine if all security measures adopted by the seaport are in compliance with seaport security standards; requiring a report; authorizing seaports to request review by the Domestic

Security Oversight Council of the findings in a Department of Law Enforcement inspection report; limiting the findings which the council is authorized to review; requiring the Department of Law Enforcement to establish a waiver process to grant certain individuals unescorted access to seaports or restricted access areas under certain circumstances; providing waiver process requirements; requiring the administrative staff of the Parole Commission to review the waiver application and transmit the findings to the department; requiring the department to make a final disposition of the application and notify the applicant and the seaport; providing that the waiver review process is exempt from the Administrative Procedure Act; providing procedures and requirements with respect to waiver of any physical facility requirement or other requirement contained in the statewide minimum standards for seaport security; providing a penalty for possession of a concealed weapon while on seaport property in a designated restricted area; creating the Seaport Standards Security Advisory Council under the Office of Drug Control within the Executive Office of the Governor; providing membership, terms, organization, and meetings of the council; requiring the Office of Drug Control to convene the Seaport Security Standards Advisory Council to review the statewide minimum standards for seaport security; requiring periodic review of the statewide minimum standards for seaport security to be conducted by the council; creating s. 311.121, F.S.; providing legislative intent with respect to the employment by seaports of certified law enforcement officers and certified private security officers; providing authority of seaports and requirements of the Department of Law Enforcement with respect to such intent; requiring the authority or governing board of each seaport that is subject to statewide minimum seaport security standards to impose specified requirements for certification as a seaport security officer; creating the Seaport Security Officer Qualification, Training, and Standards Coordinating Council under the Department of Law Enforcement; providing membership and organization of the council; providing terms of members; providing duties and authority of the council; requiring the Department of Education to develop curriculum recommendations and specifications of the council into initial and continuing education and training programs for seaport security officer certification; providing requirements and procedures with respect to such training programs; providing requirements and procedures with respect to certification as a seaport security officer; providing requirements for renewal of inactive or revoked certification; creating s. 311.122, F.S.; authorizing each seaport in the state to create a seaport law enforcement agency for its facility; providing requirements of an agency; requiring certification of an agency; providing requirements with respect to the composition of agency personnel; providing powers of seaport law enforcement agency officers and seaport security officers; creating s. 311.123, F.S.; providing for the creation of a maritime domain security awareness training program; providing purpose of the program; providing program training curriculum requirements; creating s. 311.124, F.S.; providing authority of seaport security officers to detain persons suspected of trespassing in a designated restricted area of a seaport; providing immunity from specified criminal or civil liability; creating s. 817.021, F.S.; providing a criminal penalty for willfully and knowingly providing false information in obtaining or attempting to obtain a seaport security identification card; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 7145** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta

Siplin  
Smith

Webster

Wise

Nays—None

Vote after roll call:

Yea—Alexander, Villalobos

**CS for CS for SB 1324**—A bill to be entitled An act relating to healthy lifestyles; providing a short title; providing legislative findings; providing definitions; providing for the establishment of a statewide comprehensive educational program on lead poisoning prevention; providing for a public information initiative; providing for distribution of literature about childhood lead poisoning; requiring the establishment of a screening program for early identification of persons at risk of elevated levels of lead in the blood; providing for screening of children; providing for prioritization of screening; providing for the maintenance of records of screenings; providing for reporting of cases of lead poisoning; providing an appropriation; providing contingencies for implementing the educational program under the act; amending s. 381.0054, F.S.; requiring the Department of Health to collaborate with other state agencies in developing policies and strategies to prevent and treat obesity which shall be incorporated into agency programs; requiring the department to advise health care practitioners regarding morbidity, mortality, and costs associated with the condition of being overweight or obese; requiring the department to inform health care practitioners about clinical best practices for obesity prevention and treatment and to encourage practitioners to counsel their patients regarding the adoption of healthy lifestyles; amending s. 110.123, F.S.; defining the term “age-based and gender-based benefits” for purposes of the state group insurance program; creating the Florida State Employee Wellness Council within the Department of Management Services; providing for membership; providing for reimbursement of per diem and travel expenses; providing purpose and duties of the council; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Peaden, **CS for CS for SB 1324** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

**HB 55**—A bill to be entitled An act relating to the restoration of civil rights; requiring that the administrator of a county detention facility provide an application form for the restoration of civil rights to a prisoner who has been convicted of a felony and is serving a sentence in that facility; providing that this act shall not apply to prisoners who are transferred to the Department of Corrections; providing an effective date.

—was read the third time by title.

On motion by Senator Miller, **HB 55** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wise

Nays—None

**HB 821**—A bill to be entitled An act relating to the community contribution tax credit program; amending ss. 212.08, 220.183, and 624.5105, F.S.; increasing the amount of available tax credits against the sales tax, corporate income tax, and insurance premium tax, respectively, for projects under the community contribution tax credit program and providing separate annual limitations for certain projects; revising requirements and procedures for the Office of Tourism, Trade, and Economic Development in granting tax credits under the program; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 821** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

**HB 1157**—A bill to be entitled An act relating to dental charting; amending s. 466.023, F.S.; expanding the scope and area of practice of dental hygienists to include dental charting; creating s. 466.0235, F.S.; providing for regulation of dental charting; providing a definition; authorizing dental hygienists to perform dental charting under certain conditions; regulating the use and content of disclosure and charting forms; requiring the Board of Dentistry to approve disclosure and charting forms; limiting the applicability of dental charting; providing restrictions on periodontal probe use in dental charting; providing restrictions on dental charting reimbursement, referrals made in conjunction with the provision of dental charting services, and the provision of dental charting by a dental hygienist without supervision; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **HB 1157** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bennett	Crist
Alexander	Bullard	Dawson
Argenziano	Campbell	Diaz de la Portilla
Aronberg	Carlton	Dockery
Atwater	Clary	Fasano
Baker	Constantine	Garcia

Geller	Lynn	Saunders
Haridopolos	Margolis	Sebesta
Hill	Miller	Siplin
Jones	Peaden	Smith
King	Posey	Villalobos
Klein	Pruitt	Webster
Lawson	Rich	Wise

Nays—None

**CS for SB 918**—A bill to be entitled An act relating to medical schools; creating s. 1004.384, F.S.; authorizing a college of medicine at the University of Central Florida; creating s. 1004.385, F.S.; authorizing a college of medicine at Florida International University; providing an effective date.

—was read the third time by title.

On motion by Senator Constantine, **CS for SB 918** was passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Diaz de la Portilla	Posey
Alexander	Dockery	Pruitt
Argenziano	Garcia	Rich
Atwater	Geller	Saunders
Baker	Haridopolos	Sebesta
Bennett	Hill	Siplin
Bullard	King	Smith
Campbell	Lawson	Villalobos
Carlton	Lynn	Webster
Clary	Margolis	Wise
Constantine	Peaden	

Nays—5

Aronberg	Jones	Miller
Fasano	Klein	

Vote after roll call:

Nay—Crist

On motion by Senator Clary, by two-thirds vote **HB 1359** was withdrawn from the Committees on Domestic Security; Environmental Preservation; and General Government Appropriations.

On motion by Senator Clary, by two-thirds vote—

**HB 1359**—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 161.085, F.S.; specifying entities that are authorized to install or authorize installation of rigid coastal armoring structures; authorizing the Department of Environmental Protection to revoke certain authority; authorizing the installation of certain structures as the core of a restored dune feature under specified conditions; amending s. 163.3178, F.S.; requiring the Division of Emergency Management to manage certain hurricane evacuation studies; requiring that such studies be performed in a specified manner; defining the term “coastal high-hazard area”; providing that the application of development policies shall be at the discretion of local government; authorizing local governments to amend comprehensive plans to increase residential densities for certain properties; providing criteria for certain comprehensive plan compliance; requiring local governments to adopt a certain level of service for out-of-county hurricane evacuation under certain circumstances; requiring local governments and developers to enter into certain agreements; providing a deadline for local governments to amend coastal management elements and future land use maps; amending 163.336, F.S., relating to the coastal resort area redevelopment pilot project; revising the requirements for placement of certain coastal redevelopment materials; authorizing the Department of Environmental Protection to consider certain information during certain permit review; deferring the expiration date of the pilot project; requiring the department and local governments to provide a specified analysis of certain projects and to provide a report to the Legislature by a certain

date; amending s. 381.0065, F.S.; requiring the issuance of certain permits by the Department of Health to be contingent upon the receipt of certain permits issued by the Department of Environmental Protection; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2216** as amended and read the second time by title. On motion by Senator Clary, by two-thirds vote **HB 1359** was read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

## Nays—None

**HB 67**—A bill to be entitled An act relating to automated external defibrillator devices; providing a short title; amending s. 401.107, F.S.; defining the terms “youth athletic organization” and “automated external defibrillator device”; amending s. 401.111, F.S.; providing for grants to youth athletic organizations for automated external defibrillator devices; amending s. 401.113, F.S.; providing for disbursement of funds from the Emergency Medical Services Trust Fund; requiring the Department of Health to implement an educational campaign to inform persons who acquire automated external defibrillator devices of the scope and limitations of the immunity from liability provided under the Cardiac Arrest Survival Act; providing an effective date.

—was read the third time by title.

On motion by Senator Rich, **HB 67** was passed and certified to the House. The vote on passage was:

## Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

## Nays—None

**HB 147**—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury, to the extent of inconsistency with the act; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 147** failed to receive the required constitutional two-thirds vote of the membership. The action of the Senate was certified to the House. The vote was:

## Yeas—25

Mr. President	Diaz de la Portilla	Pruitt
Alexander	Dockery	Rich
Aronberg	Fasano	Saunders
Atwater	Garcia	Sebesta
Baker	Haridopolos	Smith
Bennett	King	Webster
Campbell	Klein	Wise
Clary	Peaden	
Constantine	Posey	

## Nays—11

Argenziano	Geller	Margolis
Bullard	Hill	Miller
Crist	Lawson	Siplin
Dawson	Lynn	

Vote after roll call:

Nay to Yea—Geller

## MOMENT OF SILENCE

The President recognized Senator Geller who asked the Senate to observe a moment of silence in memory of former Senator A.J. “Red” Ryan, Jr. who passed away on Sunday, April 30.

**CS for SB 1190**—A bill to be entitled An act relating to the sale or lease of a county, district, or municipal hospital; amending s. 155.40, F.S.; providing for the effect of the sale of a public hospital to a private purchaser; providing conditions that must be met in order for a sale to be considered a complete sale; providing legislative findings and intent with respect to the effect of the sale of a public hospital to a private purchaser; providing applicability, including retroactive applicability; providing an effective date.

—as amended April 28 was read the third time by title.

On motion by Senator Atwater, **CS for SB 1190** as amended was passed and certified to the House. The vote on passage was:

## Yeas—34

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Haridopolos	Rich
Baker	Hill	Saunders
Bennett	Jones	Sebesta
Bullard	King	Smith
Carlton	Klein	Webster
Clary	Lawson	Wise
Constantine	Lynn	
Crist	Margolis	

## Nays—1

Campbell

Vote after roll call:

Yea—Siplin

**HB 65**—A bill to be entitled An act relating to foreclosure proceedings; amending s. 45.031, F.S.; revising procedures and requirements for judicial sales; creating s. 45.032, F.S.; providing for disbursement of surplus funds after a judicial sale; providing definitions; establishing a rebuttable presumption of entitlement to surplus funds in certain filings; providing legislative intent; providing requirements and procedures for disbursement of surplus funds by the clerk of court; providing for appointment of a surplus trustee under certain circumstances; providing for

notice of appointment; providing for termination of appointment; providing for treatment of surplus funds as unclaimed property under certain circumstances; providing construction relating to title of property in a foreclosure sale; creating s. 45.033, F.S.; providing for a sale or assignment of rights to surplus funds in a property subject to foreclosure; establishing a rebuttable presumption of entitlement to surplus funds; providing requirements for proof; providing legislative intent; providing requirements for rebutting the presumption; providing requirements for transfers or assignments of surplus funds; providing duties and authority of a court in payment of surplus funds under a transfer or assignment; providing for nonapplication to certain instruments; specifying absence of effect on title or marketability of certain property or validity of certain liens; creating s. 45.034, F.S.; providing qualifications for appointment as a surplus trustee by the Department of Financial Services; providing requirements for appointment as a surplus trustee; providing for application and renewal fees; providing duties of the department in certifying surplus trustees; requiring the department to establish a rotation system for assignment of cases to surplus trustees; providing duties of a surplus trustee; providing entitlement of a surplus trustee to certain service charges and fees; creating s. 45.035, F.S.; specifying service charges for clerks of court for administering judicial sales and surplus funds; creating s. 501.2078, F.S.; providing definitions; providing a civil penalty for knowingly using unfair or deceptive homeowner victimization methods, acts, or practices in residential foreclosure proceedings; specifying higher priority of an order of restitution or reimbursement over imposition of a civil penalty; providing for deposit of civil penalties into the Legal Affairs Revolving Trust Fund of the Department of Legal Affairs; allocating such funds for certain purposes; specifying nonapplication to certain encumbrances, deeds, or actions; amending s. 702.035, F.S.; specifying different newspaper legal notice and process requirements for counties above a certain population size; limiting certain costs chargeable in a foreclosure proceeding; amending s. 201.02, F.S.; correcting a cross-reference; providing effective dates.

—was read the third time by title.

On motion by Senator Campbell, **HB 65** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Geller	Pruitt
Baker	Haridopolos	Rich
Bennett	Hill	Saunders
Bullard	Jones	Sebesta
Campbell	King	Siplin
Clary	Klein	Smith
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Garcia, Villalobos

**HB 1089**—A bill to be entitled An act relating to construction contracting; amending s. 95.11, F.S.; revising commencement periods for actions founded on the design, planning, or construction of improvements to real property; amending s. 718.618, F.S., relating to converter reserve accounts and warranties; limiting applicability to certain improvements; providing an effective date.

—was read the third time by title.

On motion by Senator Clary, **HB 1089** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Aronberg	Bennett
Alexander	Atwater	Bullard
Argenziano	Baker	Campbell

Carlton	Hill	Pruitt
Clary	Jones	Rich
Constantine	King	Saunders
Crist	Klein	Sebesta
Dawson	Lawson	Siplin
Diaz de la Portilla	Lynn	Smith
Dockery	Margolis	Webster
Fasano	Miller	Wise
Geller	Peaden	
Haridopolos	Posey	

Nays—None

Vote after roll call:

Yea—Garcia, Villalobos

**HB 7021**—A bill to be entitled An act relating to stolen property; amending s. 812.022, F.S.; providing that specified circumstances give rise to an inference that the person in possession of a stolen motor vehicle knew or should have known that the motor vehicle had been stolen; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **HB 7021** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Webster
Clary	Lawson	Wise
Constantine	Lynn	
Crist	Margolis	

Nays—None

Vote after roll call:

Yea—Garcia, Villalobos

**CS for CS for CS for SB 888**—A bill to be entitled An act relating to energy; creating the Florida Energy Commission, which is located within the Office of Legislative Services for administrative purposes; providing for the membership of the commission; providing for appointment, terms of office, and qualifications of members; providing for voting members to be reimbursed for per diem and travel expenses; providing for meetings of the commission; authorizing the commission to employ staff; requiring that the commission develop policy recommendations; requiring an annual report to the Legislature; requiring a study and a report to the Governor and Legislature concerning the electric transmission grid; creating s. 377.801, F.S.; creating the “Florida Renewable Energy Technologies and Energy Efficiency Act”; creating s. 377.802, F.S.; stating the purpose of the act; creating s. 377.803, F.S.; providing definitions; creating s. 377.804, F.S.; creating the Renewable Energy Technologies Grants Program; providing program requirements and procedures, including matching funds; requiring the Department of Environmental Protection to coordinate with the Department of Agriculture and Consumer Services; requiring joint departmental approval for the funding of any bioenergy project; creating s. 377.805, F.S.; creating the Energy Efficient Appliance Rebate Program; providing program requirements, procedures, and limitations; creating s. 377.8055, F.S.; providing a sales tax holiday for energy efficient products; providing for rules; creating s. 377.806, F.S.; creating the Solar Energy System Incentives Program; providing definitions; creating the solar photovoltaic incentive program; providing eligibility requirements; providing rebate



amounts; creating the solar thermal incentive program; providing for eligibility; providing rebate amounts; providing rulemaking authority to the Public Service Commission; requiring the Florida Solar Energy Center to certify the performance of solar equipment sold and installed in the state; amending s. 212.08, F.S.; providing definitions for the terms “biodiesel” and “ethanol”; providing tax exemptions for the sale or use of certain energy efficient products; providing eligibility requirements and tax credit limits; directing the department to adopt rules; directing the department to determine and publish certain information relating to such exemptions; amending s. 213.053, F.S.; authorizing the Department of Revenue to share certain information with the Department of Environmental Protection for specified purposes; amending s. 220.02, F.S.; providing the order of application of the renewable energy technologies investment tax credit; creating s. 220.192, F.S.; establishing a corporate tax credit for certain costs related to renewable energy technologies; providing eligibility requirements and credit limits; providing certain authority to the Department of Environmental Protection and the Department of Revenue; directing the Department of Environmental Protection to determine and publish certain information; amending s. 220.13, F.S.; providing an addition to the definition of “adjusted federal income”; amending s. 186.801, F.S.; revising the provisions of electric utility 10-year site plans to include the effect on fuel diversity; amending s. 366.04, F.S.; revising the safety standards for public utilities; amending s. 366.05, F.S.; authorizing the Public Service Commission to adopt certain construction standards and make certain determinations; amending s. 403.503, F.S.; revising and providing definitions applicable to the Florida Electrical Power Plant Siting Act; amending s. 403.504, F.S.; providing the Department of Environmental Protection with additional powers and duties relating to the Florida Electrical Power Plant Siting Act; amending s. 403.5055, F.S.; revising provisions for certain permits associated with applications for electrical power plant certification; amending s. 403.506, F.S.; revising provisions relating to applicability and certification of certain power plants; amending s. 403.5064, F.S.; revising provisions for distribution of applications and schedules relating to certification; amending s. 403.5065, F.S.; revising provisions relating to the appointment of administrative law judges; amending s. 403.5066, F.S.; revising provisions relating to the determination of completeness for certain applications; creating s. 403.50663, F.S.; authorizing certain local governments and regional planning councils to hold an informational public meeting; providing requirements and procedures therefor; creating s. 403.50665, F.S.; requiring local governments to file certain land use determinations; providing requirements and procedures therefor; repealing s. 403.5067, F.S.; relating to the determination of sufficiency for certain applications; amending s. 403.507, F.S.; revising required statement provisions for affected agencies; amending s. 403.508, F.S.; revising provisions related to land use and certification proceedings; requiring certain notice; amending s. 403.509, F.S.; revising provisions related to the final disposition of certain applications; providing requirements and provisions with respect thereto; amending s. 403.511, F.S.; revising provisions related to the effect of certification for the construction and operation of proposed power plants; providing that issuance of certification meets certain consistency requirements; creating s. 403.5112, F.S.; requiring filing of notice for certified corridor routes; providing requirements and procedures with respect thereto; creating s. 403.5113, F.S.; authorizing postcertification amendments for power plant site certification applications; providing requirements and procedures with respect thereto; amending s. 403.5115, F.S.; requiring certain public notice for activities related to power plant site application, certification, and land use determination; providing requirements and procedures with respect thereto; directing the Department of Environmental Protection to maintain certain lists and provide copies to of certain publications; amending s. 403.513, F.S.; revising provisions for judicial review of appeals related to power plant site certification; amending s. 403.516, F.S.; revising provisions relating to modification of certification for power plant sites; amending s. 403.517, F.S.; revising the provisions relating to supplemental applications for certain power plant sites; amending s. 403.5175, F.S.; revising provisions relating to existing power plant site certification; revising the procedure for reviewing and processing applications; requiring additional information to be included in certain applications; amending s. 403.518, F.S.; revising the allocation of proceeds from certain fees collected; providing for reimbursement of certain expenses; directing the Department of Environmental Protection to establish rules for determination of certain fees; eliminating certain operational license fees; providing that applications for power plant certification be processed under laws applicable at the time the application is filed; providing exceptions; amending s. 403.519, F.S.; directing the Public Service Commission to consider fuel diversity and reliability in certain determinations; providing for determination of

need for nuclear power plants; providing an exemption from purchased power supply bid rule; creating s. 366.93, F.S.; providing definitions; requiring the Public Service Commission to implement rules related to nuclear power plant cost recovery; requiring a report; amending s. 403.52, F.S.; changing the short title to the “Florida Electric Transmission Line Siting Act”; amending s. 403.521, F.S.; revising legislative intent; amending s. 403.522, F.S.; revising definitions; defining the terms “licensee” and “maintenance and access roads”; amending s. 403.523, F.S.; revising powers and duties of the Department of Environmental Protection; requiring the department to collect and process fees, to prepare a project analysis, to act as clerk for the siting board, and to administer and manage the terms and conditions of the certification order and supporting documents and records; amending s. 403.524, F.S.; revising provisions for applicability, certification, and exemptions under the act; revising provisions for notice by an electric utility of its intent to construct an exempt transmission line; amending s. 403.525, F.S.; providing for powers and duties of the administrative law judge designated by the Division of Administrative Hearings to conduct the required hearings; amending s. 403.5251, F.S.; revising application procedures and schedules; providing for the formal date of filing an application for certification and commencement of the certification review process; requiring the department to prepare a proposed schedule of dates for determination of completeness and other significant dates to be followed during the certification process; providing for the formal date of application distribution; requiring the applicant to provide notice of filing the application; amending s. 403.5252, F.S.; revising timeframes and procedures for determination of completeness of the application; requiring the department to consult with affected agencies; revising requirements for the department to file a statement of its determination of completeness with the Division of Administrative Hearings, the applicant, and all parties within a certain time after distribution of the application; revising requirements for the applicant to file a statement with the department, the division, and all parties, if the department determines the application is not complete; providing for the statement to notify the department whether the information will be provided; revising timeframes and procedures for contests of the determination by the department; providing for parties to a hearing on the issue of completeness; amending s. 403.526, F.S.; revising criteria and procedures for preliminary statements of issues, reports, and studies; revising timeframes; requiring that the preliminary statement of issues from each affected agency be submitted to the department and the applicant; revising criteria for the Department of Community Affairs’ report; requiring the Department of Transportation, the Public Service Commission, and any other affected agency to prepare a project report; revising required content of the report; providing for notice of any nonprocedural requirements not listed in the application; providing for failure to provide such notification; providing for a recommendation for approval or denial of the application; providing that receipt of an affirmative determination of need is a condition precedent to further processing of the application; requiring that the department prepare a project analysis to be filed with the administrative law judge and served on all parties within a certain time; amending s. 403.527, F.S.; revising procedures and timeframes for the certification hearing conducted by the administrative law judge; revising provisions for notices and publication of notices, public hearings held by local governments, testimony at the public-hearing portion of the certification hearing, the order of presentations at the hearing, and consideration of certain communications by the administrative law judge; requiring the applicant to pay certain expenses and costs; requiring the administrative law judge to issue a recommended order disposing of the application; requiring that certain notices be made in accordance with specified requirements and within a certain time; requiring the Department of Transportation to be a party to the proceedings; providing for the administrative law judge to cancel the certification hearing and relinquish jurisdiction to the Department of Environmental Protection upon request by the applicant or the department; requiring the department and the applicant to publish notice of such cancellation; providing for parties to submit proposed recommended orders to the department when the certification hearing has been canceled; providing that the department prepare a recommended order for final action by the siting board when the hearing has been canceled; amending s. 403.5271, F.S.; revising procedures and timeframes for consideration of proposed alternate corridors; revising notice requirements; providing for notice of the filing of the alternate corridor and revised time schedules; providing for notice to agencies newly affected by the proposed alternate corridor; requiring the person proposing the alternate corridor to provide all data to the agencies within a certain time; providing for a determination by the department that the data is not complete; providing for withdrawal of the proposed alternate corridor upon such determination; requiring

that agencies file reports with the applicant and the department which address the proposed alternate corridor; requiring that the department file with the administrative law judge, the applicant, and all parties a project analysis of the proposed alternate corridor; providing that the party proposing an alternate corridor has the burden of proof concerning the certifiability of the alternate corridor; amending s. 403.5272, F.S.; revising procedures for informational public meetings; providing for informational public meetings held by regional planning councils; revising timeframes; amending s. 403.5275, F.S.; revising provisions for amendment to the application prior to certification; amending s. 403.528, F.S.; providing that a comprehensive application encompassing more than one proposed transmission line may be good cause for altering established time limits; amending s. 403.529, F.S.; revising provisions for final disposition of the application by the siting board; providing for the administrative law judge's or department's recommended order; amending s. 403.531, F.S.; revising provisions for conditions of certification; amending s. 403.5312, F.S.; requiring the applicant to file notice of a certified corridor route with the department; amending s. 403.5315, F.S.; revising the circumstances under which a certification may be modified after the certification has been issued; providing for procedures if objections are raised to the proposed modification; creating s. 403.5317, F.S.; providing procedures for changes proposed by the licensee after certification; requiring the department to determine within a certain time if the proposed change requires modification of the conditions of certification; requiring notice to the licensee, all agencies, and all parties of changes that are approved as not requiring modification of the conditions of certification; creating s. 403.5363, F.S.; requiring publication of certain notices by the applicant, the proponent of an alternate corridor, and the department; requiring the department to adopt rules specifying the content of such notices; amending s. 403.5365, F.S.; revising application fees and the distribution of fees collected; revising procedures for reimbursement of local governments and regional planning organizations; amending s. 403.537, F.S.; revising the schedule for notice of a public hearing by the Public Service Commission in order to determine the need for a transmission line; providing that the commission is the sole forum in which to determine the need for a transmission line; amending ss. 373.441, 403.061, 403.0876, and 403.809, F.S.; conforming terminology to changes made by the act; repealing ss. 403.5253 and 403.5369, F.S., relating to determination of sufficiency of application or amendment to the application and the application of the act to applications filed before a certain date; requiring a report to the Governor and Legislature; providing appropriations; providing an effective date.

—as amended April 28 was read the third time by title.

## MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted by two-thirds vote:

**Amendment 1 (854576)**—On page 15, line 18, after “report” insert: *must be filed by December 31, 2007, and*

On motion by Senator Constantine, **CS for CS for CS for SB 888** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

**HB 1113**—A bill to be entitled An act relating to insurance agents; amending s. 626.171, F.S.; providing additional requirements for applications for certain licenses; requiring applicants to submit fingerprints and pay a processing fee; providing for fingerprints to be taken by a designated examination center; requiring the Department of Financial Services to require designated examination centers to have fingerprinting equipment and take fingerprints; prohibiting the department from approving licensure applications without submitted fingerprints; amending s. 626.211, F.S.; deleting a prohibition against the department denying, delaying, or withholding approval of applications lacking a criminal history report; revising circumstances under which the department must notify an applicant about examinations; amending s. 626.221, F.S.; expanding the authorized adjuster designations for exemptions from adjuster license examinations; amending s. 626.231, F.S.; providing authorization and procedures for applying on the department's Internet website to take a licensure examination prior to applying for licensure; specifying required application information; requiring an application disclosure statement; requiring payment of an examination fee with an application; amending s. 626.241, F.S.; providing for application of certain examination provisions to certain persons; creating s. 626.2415, F.S.; requiring the department to annually prepare, publicly announce, and publish reports of certain examination statistical information; providing report requirements; authorizing the department to provide certain contracted testing service providers with certain demographic application information under certain circumstances; amending s. 626.251, F.S.; requiring the department to provide certain information to examination applicants; amending s. 626.261, F.S.; specifying required conduct for examination applicants; amending s. 626.281, F.S.; applying reexamination provisions to examination applicants; amending s. 626.291, F.S.; requiring the department to issue a license for certain applicants after the department approves the application; specifying a period of validity of a passing examination grade; prohibiting the department from issuing a license based on an examination taken more than 1 year prior to filing an application; providing appropriations; authorizing additional positions; providing effective dates.

—was read the third time by title.

On motion by Senator Posey, **HB 1113** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

**HB 947**—A bill to be entitled An act relating to long-term care coverage; reenacting and amending s. 409.9102, F.S.; directing the Agency for Health Care Administration, in consultation with the Office of Insurance Regulation and the Department of Children and Family Services, to amend the Medicaid state plan that established the Florida Long-Term Care Partnership Program for purposes of compliance with provisions of the Social Security Act; establishing a qualified state Long-Term Care Insurance Partnership Program in Florida; providing duties of the program; requiring consultation with the Office of Insurance Regulation and the Department of Children and Family Services for the creation of standards for certain information; providing rulemaking authority to the agency for implementation of s. 409.9102, F.S.; providing rulemaking authority to the department regarding determination of eligibility for certain services; creating s. 627.94075, F.S.; providing rulemaking authority to the Financial Services Commission for the implementation of a qualified state Long-Term Care Insurance Partnership Program in

Florida; repealing ss. 1 and 2 of ch. 2005-252, Laws of Florida, to delete conflicting provisions relating to the determination of eligibility for nursing and rehabilitative services and the establishment of the Florida Long-Term Care Partnership Program that were contingent upon amendment to the Social Security Act; amending s. 4 of ch. 2005-252, Laws of Florida, to delete a contingency in an effective date; requiring the Office of Program Policy Analysis and Government Accountability to submit a report on the implementation of a qualified state Long-Term Care Insurance Partnership Program in Florida to the Governor and Legislature; creating s. 627.94076, F.S.; requiring long-term care insurance policies to provide incontestability after a certain time period; providing an exception; amending s. 627.9403, F.S.; specifying that certain limited benefit policies are a type of long-term care insurance policy; deleting an exemption from a minimum time period coverage requirement for certain limited benefit policies; amending s. 627.9404, F.S.; revising definitions; amending s. 627.9407, F.S.; revising certain restrictions on long-term care insurance policies; providing additional rate structure requirements for long-term care insurance policies; amending s. 641.2018, F.S.; correcting a cross-reference; providing application; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 947** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Webster
Constantine	Lawson	Wise
Crist	Lynn	

Nays—None

Vote after roll call:

Yea—Villalobos

**HCB 6003 (for HB's 515, 589)**—A bill to be entitled An act relating to resale of tickets; amending s. 559.9335, F.S.; deleting a provision making the sale or marketing of certain admission tickets at a price in excess of \$1 above the retail admission price charged by the original seller a violation of the Sellers of Travel Act in certain circumstances; creating s. 817.357, F.S.; providing that purchasing tickets in excess of a specified amount with the intent to resell those tickets is a violation of the Florida Deceptive and Unfair Trade Practices Act; providing a definition; amending s. 817.36, F.S.; prohibiting resale of tickets for more than \$1 above the resale admission price charged therefor by the original seller in specified circumstances; providing that the section does not authorize any individual or entity to sell or purchase tickets at any price on property where an event is being held without the prior express written consent of the owner of the property; providing for sales tax collection on ticket resales; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HCB 6003 (for HB's 515, 589)** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Bennett	Dawson
Alexander	Bullard	Diaz de la Portilla
Argenziano	Campbell	Dockery
Aronberg	Carlton	Fasano
Atwater	Clary	Garcia
Baker	Constantine	Geller

Haridopolos	Margolis
Hill	Miller
Jones	Peaden
King	Posey
Klein	Pruitt
Lawson	Rich
Lynn	Saunders

Nays—1

Crist

**HB 1097**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; requiring an agency head who appoints a designee to act as a custodian of public records to provide notice to the public of such designation; providing notice requirements; prohibiting a person who is not a custodian of public records or a designee from denying the existence of a record or misleading anyone as to the existence of a record; requiring custodians of public records and their designees to respond to requests to inspect and copy public records promptly and in good faith; amending ss. 497.140, 627.311, and 627.351, F.S.; correcting cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Klein, **HB 1097** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Webster
Constantine	Lawson	Wise
Crist	Lynn	

Nays—None

Vote after roll call:

Yea—Villalobos

**HB 667**—A bill to be entitled An act relating to credit counseling services; amending s. 817.801, F.S.; revising and providing definitions; amending s. 817.802, F.S., relating to unlawful fees and costs; limiting application to certain debtors; amending s. 817.804, F.S.; revising annual audit requirements; amending s. 817.805, F.S.; including creditor contributions within an authorized deduction from requirements for disbursement of funds; providing a limitation on creditor contributions; providing an effective date.

—was read the third time by title.

On motion by Senator Aronberg, **HB 667** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlton	Geller
Alexander	Clary	Haridopolos
Argenziano	Constantine	Hill
Aronberg	Crist	Jones
Atwater	Dawson	King
Baker	Diaz de la Portilla	Klein
Bennett	Dockery	Lawson
Bullard	Fasano	Lynn
Campbell	Garcia	Margolis

Miller	Rich	Smith
Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wise

Nays—None

Consideration of **CS for SB 854** and **CS for CS for SJR 1436** was deferred.

### SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

**CS for SB 1872**—A bill to be entitled An act relating to the Florida Public Service Commission; amending s. 350.01, F.S.; clarifying when a commissioner's term begins and ends; deleting obsolete provisions relating to the transition from an elected to an appointed commission and to an office of hearing examiners; amending s. 350.011, F.S.; deleting obsolete provisions relating to the regulation of railroads; amending s. 350.06, F.S.; deleting provisions governing the providing of transcripts to those who request them; amending s. 350.113, F.S.; deleting provisions governing the assessment of certain regulatory fees; amending s. 350.117, F.S.; deleting obsolete provisions exempting railroads from regulation; repealing s. 350.051, F.S., relating to a Chief Auditor of the commission; repealing s. 350.80, F.S., relating to the regulation of coal slurry pipelines; repealing s. 361.08, F.S., relating to granting eminent domain power to coal pipeline companies; providing an effective date.

—which was previously considered and amended this day.

An amendment was considered and adopted to conform **CS for SB 1872** to **HB 7237**.

Pending further consideration of **CS for SB 1872** as amended, on motion by Senator Constantine, by two-thirds vote **HB 7237** was withdrawn from the Committees on Communications and Public Utilities; and Rules and Calendar.

On motion by Senator Constantine, the rules were waived and—

**HB 7237**—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.01, F.S.; correcting cross-references; revising provisions for terms of commissioners on the Public Service Commission; revising a reference to the office of hearing examiners; amending s. 350.011, F.S.; deleting obsolete provisions relating to a transfer of certain functions and duties to the Public Service Commission; amending s. 350.012, F.S.; removing a provision for governance of the Committee on Public Service Commission Oversight; repealing s. 350.051, F.S., relating to qualifications of the Chief Auditor of the commission; amending s. 350.06, F.S.; deleting certain provisions relating to the employment of reporters and furnishing of transcripts by the commission; revising provisions for the collection and accounting of fees for furnishing transcripts and other documents or instruments; amending s. 350.113, F.S.; removing limits on the amount of certain regulatory fees; amending s. 350.117, F.S.; removing an exception for railroads from certain audits by the commission; repealing s. 350.80, F.S., relating to regulation of certain coal slurry pipeline companies; amending s. 361.08, F.S.; removing a provision for consideration by the court of certain findings by the commission relating to coal slurry pipeline companies, to conform to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1872** as amended and read the second time by title.

### MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted:

**Amendment 1 (211682)**—On line 31 through line 54, delete those lines and insert:

Section 1. Paragraphs (a) and (b) of subsection (2), subsection (3), and subsection (5) of section 350.01, Florida Statutes, are amended to read:

350.01 Florida Public Service Commission; terms of commissioners; vacancies; election and duties of chair; quorum; proceedings.—

(2)(a) Each commissioner serving on July 1, 1978, shall be permitted to remain in office until the completion of his or her current term. Upon the expiration of the term, a successor shall be appointed in the manner prescribed by s. 350.031(5), (6), (3) and (7) (4) for a 4-year term, except that the terms of the initial members appointed under this act shall be as follows:

1. The vacancy created by the present term ending in January, 1981, shall be filled by appointment for a 4-year term and for 4-year terms thereafter; and

2. The vacancies created by the two present terms ending in January, 1979, shall be filled by appointment for a 3-year term and for 4-year terms thereafter.

(b) Two additional commissioners shall be appointed in the manner prescribed by s. 350.031(5), (6), (3) and (7) (4) for 4-year terms beginning the first Tuesday after the first Monday in January, 1979, and successors shall be appointed for 4-year terms thereafter *with each term beginning on January 2 of the year the term commences and ending 4 years later on January 1.*

(3) Any person serving on the commission who seeks to be appointed or reappointed shall file with the nominating council at least 210 ~~180~~ days before the expiration of his or her term a statement that he or she desires to serve an additional term.

On motion by Senator Constantine, by two-thirds vote **HB 7237** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Wise
Constantine	Lawson	
Crist	Lynn	

Nays—None

### RECONSIDERATION OF BILL

On motion by Senator Miller, the Senate reconsidered the vote by which—

**HB 7237**—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.01, F.S.; correcting cross-references; revising provisions for terms of commissioners on the Public Service Commission; revising a reference to the office of hearing examiners; amending s. 350.011, F.S.; deleting obsolete provisions relating to a transfer of certain functions and duties to the Public Service Commission; amending s. 350.012, F.S.; removing a provision for governance of the Committee on Public Service Commission Oversight; repealing s. 350.051, F.S., relating to qualifications of the Chief Auditor of the commission; amending s. 350.06, F.S.; deleting certain provisions relating to the employment of reporters and furnishing of transcripts by the commission; revising provisions for the collection and accounting of fees for furnishing transcripts and other documents or instruments; amending s. 350.113, F.S.; removing limits on the amount of certain regulatory fees; amending s. 350.117, F.S.; removing an exception for railroads from certain audits by the commission; repealing s. 350.80, F.S., relating to regulation of certain coal slurry pipeline companies; amending s. 361.08, F.S.; removing a provision for consideration by the court of certain findings by the commission relating to coal slurry pipeline companies, to conform to changes made by the act; providing an effective date.

—as amended passed this day.

On motion by Senator Miller, the rules were waived and the Senate reconsidered the vote by which **HB 7237** was read the third time.

Pursuant to Rule 4.19, **HB 7237** as amended was placed on the calendar of Bills on Third Reading.

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The Senate resumed consideration of—

**CS for SB 1832**—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; exempting certain advertising materials distributed free of charge by mail in an envelope; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (430126)** by Senator Haridopolos was adopted.

Amendments were considered and adopted to conform **CS for SB 1832** to **HB 1079**.

Pending further consideration of **CS for SB 1832** as amended, on motion by Senator Haridopolos, by two-thirds vote **HB 1079** was withdrawn from the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

On motion by Senator Haridopolos, the rules were waived and—

**HB 1079**—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term “qualified aircraft”; amending s. 212.08, F.S.; including qualified aircraft under certain miscellaneous exemption provisions relating to aircraft; exempting certain advertising materials distributed free of charge by mail in an envelope; creating s. 212.0801, F.S.; providing criteria, requirements, and limitations on exemptions for purchases or leases of qualified aircraft; providing an effective date.

—a companion measure, was substituted for **CS for SB 1832** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1079** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Baker—

**CS for CS for SB 550**—A bill to be entitled An act relating to scholarship programs; renaming the Florida Prepaid College Program as the “Stanley G. Tate Florida Prepaid College Program”; amending s. 1009.972, F.S.; providing for the Florida Prepaid Tuition Scholarship Program to be funded with moneys retained from certain terminated or cancelled contracts under the Florida Prepaid College Program; authorizing the Florida Prepaid College Board to approve scholarship programs for such funding; requiring that any matching funds be donated by the private sector; amending s. 1009.98, F.S.; deleting a restriction on the types of postsecondary educational institutions in which a qualified beneficiary may use his or her benefits under the Florida Prepaid College Program; requiring certain advertisements to contain a disclaimer regarding the program; conforming provisions to changes made by the act; requiring that any matching funds be donated by the private sector; amending s. 1009.983, F.S.; requiring the direct-support organization of the Florida Prepaid College Board to administer the scholarship program; authorizing the board to establish and administer additional scholarship programs supported from escheated funds retained by the board if the matching funds used for the scholarships are obtained solely from the private sector; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 550** to **HB 263**.

Pending further consideration of **CS for CS for SB 550** as amended, on motion by Senator Baker, by two-thirds vote **HB 263** was withdrawn from the Committees on Education; and Education Appropriations.

On motion by Senator Baker—

**HB 263**—A bill to be entitled An act relating to the Florida Prepaid College Board programs; amending s. 1009.97, F.S.; renaming the Florida Prepaid College Program; amending s. 1009.972, F.S.; authorizing funds in the Florida Prepaid Tuition Scholarship Program to be used for certain approved scholarship programs; amending s. 1009.98, F.S.; deleting a restriction on the types of postsecondary educational institutions to which a qualified beneficiary may apply his or her benefits under the Florida Prepaid College Program; requiring certain advertisements to contain a disclaimer regarding the program; conforming provisions; amending s. 1009.983, F.S.; requiring the direct-support organization of the Florida Prepaid College Board to administer the Florida Prepaid Tuitions Scholarship Program; authorizing the board to establish and administer additional scholarship programs supported from escheated funds retained by the board if the matching funds used for the scholarships are obtained from the private sector; amending s. 732.402, F.S.; conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 550** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 263** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Garcia—

**CS for CS for CS for SB 2112**—A bill to be entitled An act relating to health care clinics; amending s. 400.990, F.S.; providing additional legislative findings; amending s. 400.9905, F.S.; redefining the term “clinic” for purposes of the Health Care Clinic Act to include certain additional providers; excluding certain facilities owned by publicly traded corporations; defining the terms “specialty clinic,” “infusion therapy,” and “fraud”; amending s. 400.991, F.S.; requiring specialty clinics to be subject to licensure requirements; requiring additional persons to be subject to background screening; revising certain requirements for applying for licensure as a health care clinic; creating additional requirements for applying for licensure as a specialty clinic; providing additional grounds under which an applicant may be denied licensure due to a finding of guilt for committing a felony; providing grounds for the denial of specialty clinic licensure; amending s. 400.9915, F.S.; including specialty clinics within clinic inspection requirements; amending s. 400.992, F.S.; including specialty clinics within requirements for license renewal, transfer of ownership, and provisional licensure; amending s. 400.9925, F.S.; providing the agency with rulemaking authority regarding specialty clinics; stating that the licensure fee for a specialty clinic is nonrefundable and may not exceed \$2,000; amending s. 400.993, F.S.; including specialty clinics within provisions regarding unlicensed clinics; providing penalties for unlicensed operation of a specialty clinic; including specialty clinics within provisions regarding verification of licensure; amending s. 400.9935, F.S.; including specialty clinics within provisions regarding clinic responsibilities; revising the responsibilities of the medical director and the clinical director; requiring all persons providing health care services to individuals in a clinic to comply with the licensure laws and rules under which that person is licensed; requiring a specialty clinic to file an audited report with the agency no less frequently than annually; requiring a specialty clinic to maintain compliance with part XIII of ch. 400, F.S.; requiring health care clinics and specialty clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 400.994, F.S.; granting the agency authority to institute injunctive proceedings against a specialty clinic; amending s. 400.995, F.S.; granting the agency authority to impose administrative penalties against a specialty clinic; creating s. 400.996, F.S.; creating a process whereby the agency receives, documents, and processes complaints about specialty clinics; requiring the agency to request that complaints regarding billing fraud by a specialty clinic be made by sworn affidavit; requiring the agency to refer to the Department of Financial Services, Office of Fiscal Integrity, any sworn affidavit asserting billing fraud by a specialty clinic; requiring the department to report findings regarding billing fraud by a specialty clinic to the agency; requiring the department to refer an investigation to prosecutorial authorities and provide investigative assistance under certain circumstances; providing that it is a first-degree misdemeanor to submit an affidavit asserting billing fraud by a specialty clinic which is without any factual basis; allowing the department to conduct unannounced reviews, investigations, analyses, and audits to investigate complaints of billing fraud by a specialty clinic; authorizing the department to enter upon the premises of a specialty

clinic and immediately secure copies of certain documents; requiring a specialty clinic to allow full and immediate access to the premises and records of the clinic to a department officer or employee under s. 400.996, F.S.; providing that failure to provide such access is a ground for emergency suspension of the license of the specialty clinic; permitting the agency to assess a fee against a specialty clinic equal to the cost of conducting a review, investigation, analysis, or audit performed by the agency or the department; providing that all investigators designated by the Chief Financial Officer to perform duties under part XIII of ch. 400, F.S., and certified under s. 943.1395, F.S., are law enforcement officers of the state; amending s. 456.072, F.S.; providing that intentionally placing false information in an application for a certificate of exemption from clinic licensure constitutes grounds for which disciplinary action may be taken; designating the Florida Center for Nursing as the "Florida Barbara B. Lumpkin Center for Nursing"; directing the Department of Health to erect suitable markers; providing an appropriation; providing an effective date.

—was read the second time by title.

## MOTION

On motion by Senator Garcia, the rules were waived to allow the following amendments to be considered:

Senator Garcia moved the following amendments which were adopted:

**Amendment 1 (902996)(with title amendment)**—On page 9, lines 11-18, delete those lines and insert:

(8) "Specialty clinic" means a clinic, as defined in subsection (4) and including those entities exempt under that subsection, not licensed as a home health agency which provides infusion therapy services to treat conditions caused by or related to HIV or AIDS to outpatients who remain less than 24 hours at the facility or to patients who receive such services where they reside. The term does not include:

(a) Entities licensed under part II or part III;

(b) Entities licensed under part IV which provide infusion therapy to patients only in the home or residence of the patient; or

(c) Entities licensed under chapter 395.

And the title is amended as follows:

On page 1, lines 9 and 10, delete those lines and insert: corporations; defining the term "specialty clinic"; including certain facilities owned by publicly traded corporations excluded by the definition of the term "clinic"; defining the terms "infusion therapy" and "fraud";

**Amendment 2 (331110)**—On page 7, line 25, after "chapter 458," insert: chapter 459,

**Amendment 3 (942932)(with title amendment)**—On page 26, line 30 through page 27, line 9, delete those lines and insert:

(10)(9) Any person or entity providing health care services which is not a clinic or specialty clinic, as defined under s. 400.9905, may voluntarily apply for a certificate of exemption from licensure under its exempt status. Other than certificates of exemptions granted pursuant to an exemption under s. 400.9905(4)(f), certificates of exemption shall expire in 2 years and may be renewed. with the agency on a form that sets forth its name or names and addresses, a statement of the reasons why it cannot be defined as a clinic, and other information deemed necessary by the agency. An exemption is not transferable. The agency may charge an applicant for a certificate of exemption in an amount equal to \$100 or the actual cost of processing the certificate, whichever is less.

(a) The agency shall provide a form that requires the name or names and addresses, a statement of the reasons why the applicant is exempt from licensure as a health care clinic or specialty clinic, and other information deemed necessary by the agency. The signature on an application for a certificate of exemption must be notarized and signed by persons having knowledge of the truth of its contents. An exemption is not transferable and is valid only for the reasons, location, persons, and entity set forth on the application form. A person or entity claiming an exemption under this part or issued a current certificate of exemption must be exempt from the licensing provisions of this part at all times, or such claim

or certificate shall be invalid from the date that such person or entity is not exempt.

(b) The agency shall charge an applicant for a certificate of exemption a fee of \$100 to cover the cost of processing the certificate or the actual cost of processing the certificate, whichever is less.

(c) An application for the renewal of a certificate of exemption must be submitted to the agency prior to the expiration of the certificate of exemption. The agency may investigate any applicant, person, or entity claiming an exemption for purposes of determining compliance when a certificate of exemption is sought. Authorized personnel of the agency shall have access to the premises of any certificateholder, applicant, or specialty clinic, other than a person or entity who is exempt pursuant to s. 400.9905(4)(f), for the sole purpose of determining compliance with an exemption under this part. The agency shall have access to all billings and records indicated in s. 400.9915(2) and agency rules. The agency may deny or withdraw a certificate of exemption when a person or entity does not qualify under this part.

(d) A certificate of exemption is considered withdrawn when the agency determines that an exempt status cannot be confirmed. The provisions applicable to the unlicensed operation of a health care clinic or specialty clinic apply to any health care provider that self-determines or claims an exemption or that is issued a certificate of exemption if, in fact, such clinic does not meet the exemption claimed.

(e) Any person or entity that submits an application for a certificate of exemption which contains fraudulent or material and misleading information commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(f) A response to a request in writing for additional information or clarification must be filed with the agency no later than 21 days after receipt of the request or the application shall be denied.

(g) The agency shall grant or deny an application for a certificate of exemption in accordance with s. 120.60(1).

(h) A person or entity that qualifies as a health care clinic or specialty clinic and has been denied a certificate of exemption must file an initial application and pay the fee. A certificate of exemption is valid only when issued and current.

(i) The agency shall issue an emergency order of suspension of a certificate of exemption when the agency finds that the applicant has provided false or misleading material information or omitted any material fact from the application for a certificate of exemption which is permitted or required by this part, or has submitted false or misleading information to the agency when self-determining an exempt status and materially misleading the agency as to such status.

And the title is amended as follows:

On page 2, line 15, after the semicolon (;) insert: providing for a certificate of exemption from licensure as a clinic to expire within a specified period; providing for renewal of the certificate of exemption; revising the application procedures for a certificate of exemption; providing grounds for the denial, withdrawal, or emergency suspension of a certificate of exemption by the Agency for Health Care Administration; providing that it is a third-degree felony for an applicant to submit fraudulent or material and misleading information to the agency;

Pursuant to Rule 4.19, CS for CS for CS for SB 2112 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## RECESS

On motion by Senator Pruitt, the Senate recessed at 1:25 p.m. to reconvene at 2:30 p.m. or upon call of the President.

## AFTERNOON SESSION

The Senate was called to order by the President at 3:25 p.m. A quorum present—39:

Mr. President  
Alexander

Argenziano  
Aronberg

Atwater  
Baker

Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders
Constantine	King	Sebesta
Crist	Klein	Siplin
Dawson	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wise

## ARTICLE IX EDUCATION

**SECTION 8.** *Equal opportunity to obtain a high quality education.—Every child deserves an equal opportunity to obtain a high quality education, regardless of his or her family's income, religion, or race.*

(a) *Funding for a high quality public K-12 education through classroom instruction is fundamental. To make adequate provision for a high quality public K-12 education, the Legislature shall ensure that funding provided for public schools shall primarily be used for classroom instruction rather than administration. Classroom instruction and administration shall be defined by law.*

(b) *Students in prekindergarten through college who have disabilities, or are economically disadvantaged, or meet other legislatively specified criteria, may participate, as provided by law, in education programs that include nonpublic schools. The legislature may enact and publicly fund prekindergarten through college education programs, without regard to the religious nature of any participant or nonpublic provider, notwithstanding any other provision of this Article or the last sentence of Section 3 of Article I of this constitution.*

*Nothing in this section establishes a right to an education program not provided by law.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

## CONSTITUTIONAL AMENDMENT ARTICLE IX, SECTION 8

### EQUAL OPPORTUNITY TO OBTAIN A HIGH QUALITY EDUCATION.—

Proposing an amendment to the State Constitution to provide that every child deserves an equal opportunity to obtain a high quality education, regardless of his or her family's income, religion, or race; to provide that funding for high quality public K-12 education through classroom instruction is fundamental; to provide that to make adequate provision for a high quality public K-12 education, the Legislature shall ensure that funding provided for public schools shall primarily be used for classroom instruction rather than administration; to provide that classroom instruction and administration shall be defined by law; to provide that students in prekindergarten through college who have disabilities or are economically disadvantaged, or meet other legislatively specified criteria, may participate, as provided by law, in education programs that include nonpublic schools; to provide that the Legislature may enact and publicly fund prekindergarten through college education programs, without regard to the religious nature of any participant or nonpublic provider, notwithstanding any other provision of this Article or the last sentence of Section 3 of Article I of the State Constitution; and to provide that this amendment to the State Constitution does not establish a right to an education program that is not provided by law.

—was read the third time in full.

On motion by Senator Webster, **CS for CS for CS for SJR 2170** failed to receive the required constitutional three-fifths vote of the membership. The vote was:

Yeas—23

Mr. President	Crist	Peaden
Alexander	Diaz de la Portilla	Posey
Atwater	Dockery	Pruitt
Baker	Fasano	Saunders
Bennett	Garcia	Sebesta
Carlton	Haridopolos	Webster
Clary	King	Wise
Constantine	Lawson	

Nays—16

Argenziano	Hill	Rich
Aronberg	Jones	Siplin
Bullard	Klein	Smith
Campbell	Lynn	Villalobos
Dawson	Margolis	
Geller	Miller	

## RECESS

On motion by Senator Pruitt, the Senate recessed at 3:30 p.m. to reconvene upon call of the President.

## EVENING SESSION

The Senate was called to order by the President at 6:29 p.m. A quorum present—39:

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

## MOTION

Senator Pruitt moved that the rules be waived and time of recess be extended later than 7:00 p.m. The motion was adopted. The vote was:

Yeas—24

Mr. President	Crist	Lawson
Alexander	Diaz de la Portilla	Peaden
Atwater	Dockery	Posey
Baker	Fasano	Pruitt
Bennett	Garcia	Saunders
Carlton	Haridopolos	Sebesta
Clary	Jones	Webster
Constantine	King	Wise

Nays—12

Aronberg	Geller	Miller
Bullard	Hill	Rich
Campbell	Klein	Siplin
Dawson	Margolis	Smith

By direction of the President, the rules were waived and the Senate reverted to—

## BILLS ON THIRD READING

**CS for CS for CS for SJR 2170**—A joint resolution proposing the creation of Section 8 of Article IX of the State Constitution relating to education.

*Be It Resolved by the Legislature of the State of Florida:*

That the following creation of Section 8 of Article IX of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

## RECONSIDERATION OF BILL

On motion by Senator Alexander, the Senate reconsidered the vote by which—

**HB 147**—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury, to the extent of inconsistency with the act; providing an effective date.

—failed to receive the required constitutional two-thirds vote of the membership this day.

On motion by Senator Alexander, further consideration of **HB 147** was deferred.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Pruitt, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet 15 minutes after announcement and to meet later than 7:00 p.m., if necessary.

## MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, May 2.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Tuesday, May 2.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for SB 1486** and **CS for SB 2298** were withdrawn from the Committee on Commerce and Consumer Services; **SB 2438** was withdrawn from the Committee on Criminal Justice; **CS for SB 2708** was withdrawn from the Committee on Domestic Security; **SB 1148**, **SB 1152**, **CS for SB 2424** and **CS for CS for SB 2602** were withdrawn from the Committee on Education Appropriations; **CS for SB 588**, **CS for SB 678**, **CS for SB 1804**, **CS for SB 1816**, **CS for SB 1842** and **CS for CS for SB 2202** were withdrawn from the Committee on General Government Appropriations; **CS for SB 900** and **CS for SB 2218** were withdrawn from the Committee on Government Efficiency Appropriations; **SB 1710** and **CS for SB 1976** were withdrawn from the Committee on Governmental Oversight and Productivity; **CS for CS for SB 926**, **CS for CS for SB 2010**, **CS for CS for SB 2012**, **CS for SB 2226** and **CS for SB 2360** were withdrawn from the Committee on Health and Human Services Appropriations; **CS for SB's 1338 and 1794** was withdrawn from the Committee on Health Care; **CS for SB 1310**, **SB 1942**, **CS for SB 2108**, **SB 2150**, **CS for SB 2358** and **CS for SB 2682** were withdrawn from the Committee on Judiciary; **SB 488**, **SB 1126**, **SB 1128**, **SB 1746**, **CS for CS for SB 2018** and **SB 2274** were withdrawn from the Committee on Justice Appropriations; **CS for CS for SB 954**, **CS for SB 1052**, **CS for CS for SB 1320** and **CS for CS for SB 2366** were withdrawn from the Committee on Rules and Calendar; **CS for CS for SB 1020**, **CS for CS for SB 1742** and **CS for CS for CS for SB 2020** were withdrawn from the Committee on Transportation and Economic Development Appropriations; **CS for SB 280**, **CS for CS for SB 772**, **CS for SB 826**, **CS for CS for CS for SB 856**, **SB 952**, **CS for SB 1206**, **CS for SB 1268**, **SB 1426**, **CS for SB 1886** and **CS for SB 2322** were withdrawn from the Committee on Ways and Means; **CS for SB 1092** and **CS for CS for SB 1208** were withdrawn from the Committees on General Government Appropriations; and Ways and Means; **CS for SB 1522** was withdrawn from the Committees on Judiciary; and Justice Appropriations; **CS for CS for SB 1766** was withdrawn from the Committees on Transportation and Economic Development Appropriations; and Ways and Means; **SB 2076** and **CS for SB 2292** were withdrawn from the Committees on Governmental Oversight and Productivity; and Rules

and Calendar; **SB 2078** was withdrawn from the Committees on Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means; **CS for CS for SB 2128** was withdrawn from the Committees on Judiciary; Domestic Security; and General Government Appropriations; **CS for CS for SB 2356** was withdrawn from the Committees on Banking and Insurance; and Health and Human Services Appropriations; **SB 2564** was withdrawn from the Committees on Commerce and Consumer Services; Governmental Oversight and Productivity; and Rules and Calendar; **SB 2566** was withdrawn from the Committees on Commerce and Consumer Services; Health and Human Services Appropriations; and Ways and Means; and **CS for SB 2744** was withdrawn from the Committees on Judiciary; and General Government Appropriations.

## SENATE MAJORITY LEADER CHANGE

Senator J. Alex Villalobos resigned as Majority Leader on May 1, 2006. The President appointed Senator Daniel Webster as Majority Leader on May 1, 2006.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, May 1, 2006: **CS for CS for SB 2234**, **CS for CS for SB 256**, **CS for SJR 194**, **CS for CS for CS for CS for SB 1058**, **CS for CS for SB 862**, **CS for CS for CS for SB's 528, 530 and 858**, **CS for CS for SB 860**, **CS for SB 382**, **CS for SJR 1918**, **CS for CS for SB 550**, **CS for SB 1920**, **CS for SB 1546**, **CS for SB 1136**, **CS for CS for SB 2084**, **CS for CS for SB 1226**, **CS for SB 2380**, **CS for CS for SB 1132**, **CS for SB 1366**, **CS for SB 218**, **CS for CS for SB 1612**, **CS for SB 1596**, **CS for SB 1194**, **CS for CS for SB 142**, **CS for SB 1544**, **CS for SB 1560**, **CS for CS for CS for SB 1388**, **CS for SB 1006**, **CS for CS for SB 1196**, **CS for SB 1362**, **CS for SB 1872**, **CS for SB 1832**

Respectfully submitted,  
Ken Pruitt, Chair

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed **HB 923**, **HB 7049**, **HB 7061**, **HB 7151**, **HB 7183** and **HB 7187**; has passed as amended **HB 61**, **HB 151**, **HB 247**, **HB 265**, **HB 285**, **HB 291**, **HB 483**, **HB 513**, **HB 541**, **HB 587**, **HB 661**, **HB 749**, **HB 775**, **HB 795**, **HB 801**, **HB 819**, **HB 951**, **HB 1039**, **HB 1203**, **HB 1205**, **HB 1363**, **HB 1365**, **HB 1567**, **HB 7031**, **HB 7103**, **HB 7119**, **HB 7163**, **HB 7173** and **HB 7225**; has passed as amended by the required constitutional three-fifths vote of the membership **HJR 1569** and **HJR 7037**; has passed as amended by the required constitutional two-thirds vote of the members present **HB 1001**, **HB 1285** and **HB 1369** and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Machek—

**HB 923**—A bill to be entitled An act relating to the Troup-Indiantown Water Control District, Martin County; amending chapter 2002-366, Laws of Florida; correcting the legal description of the boundaries of the district; revising requirements for membership on the board of supervisors; clarifying applicability of general law; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Governmental Operations; and Representative Rivera—

**HB 7049**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Surplus



Lines Service Office; amending s. 626.921, F.S., which provides an exemption from public records requirements for information furnished to the Department of Financial Services by surplus lines agents, information contained in records of surplus lines agents subject to examination by the department, and information furnished to the Florida Surplus Lines Service Office under the Surplus Lines Law; making editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

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By the Committee on Governmental Operations; and Representative Rivera—

**HB 7061**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding deferred presentment providers; amending s. 560.4041, F.S., which provides an exemption from public records requirements for information that identifies a drawer or a deferred presentment provider contained in the database for deferred presentment providers maintained by the Office of Financial Regulation of the Financial Services Commission; making clarifying and editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

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By the Committee on Civil Justice; and Representative Mahon—

**HB 7151**—A bill to be entitled An act relating to adoption; amending s. 63.054, F.S.; requiring a petitioner in a proceeding for termination of parental rights to provide notice to the Office of Vital Statistics of the Department of Health; prohibiting the office from recording a claim of paternity after the date that a termination of parental rights is filed; requiring the department to remove a registrant's name from the Florida Putative Father Registry upon a finding that the registrant has no parental rights; amending s. 63.062, F.S.; modifying consent required for adoption; amending s. 63.182, F.S.; providing that the interest that entitles a person to notice of an adoption must be direct, financial, and immediate; providing an exception; providing that a showing of an indirect, inconsequential, or contingent interest is wholly inadequate; providing construction and applicability; providing an effective date.

—was referred to the Committees on Children and Families; and Judiciary.

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By the Committee on Finance and Tax; and Representative Brummer and others—

**HB 7183**—A bill to be entitled An act relating to property tax exemptions; creating s. 196.1987, F.S.; exempting from ad valorem taxation certain property owned by an organization exempt from federal income taxes and used to display aspects of Biblical history; providing limitations; providing an effective date.

—was referred to the Committees on Community Affairs; Government Efficiency Appropriations; and Ways and Means.

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By the Committee on Criminal Justice; and Representative Kravitz and others—

**HB 7187**—A bill to be entitled An act relating to criminal justice; amending s. 921.0022, F.S.; ranking in the offense severity ranking chart of the Criminal Punishment Code several offenses relating to failure by a sexual predator or sexual offender to comply with certain reporting requirements; amending s. 943.04351, F.S.; requiring a search of the National Sex Offender Public Registry before a person may work or volunteer at a place where children regularly congregate; amending s. 948.063, F.S.; requiring that the court order electronic monitoring as a condition of probation or community control following a violation of

probation or community control by certain offenders who are designated as sexual offenders or sexual predators; amending s. 948.30, F.S.; requiring that the court order mandatory electronic monitoring as a condition of probation or community control supervision for certain sex offenders whose crimes involved young children; amending s. 947.1405, F.S.; expanding the eligibility criteria for the conditional release program; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

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By Representative Quinones and others—

**HB 61**—A bill to be entitled An act relating to the testing of DNA evidence; amending s. 925.11, F.S.; revising the circumstances under which a person who has been sentenced for committing a felony may petition the court for postsentencing testing of DNA evidence; abolishing certain time limitations imposed upon such testing; revising requirements regarding submittal and review of a petition; authorizing a governmental entity to dispose of physical evidence if the sentence imposed has expired and another law or rule does not require that the evidence be retained; creating s. 925.12, F.S.; providing for postsentencing DNA testing under specified circumstances; requiring a court to make specified inquiries of a defendant seeking to enter a plea of guilty or nolo contendere to a felony; providing legislative intent that the Supreme Court adopt certain rules; providing that a postponement for specified reasons be considered attributable to the defendant for speedy trial purposes; repealing a specified Florida Rule of Criminal Procedure; providing retroactive and certain contingent effect; providing effective dates.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

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By Representative Adams and others—

**HB 151**—A bill to be entitled An act relating to law enforcement; amending s. 790.065, F.S.; requiring the Department of Law Enforcement to review any records available to evaluate a potential buyer or transferee of a firearm, including an adjudication of mental defectiveness or a commitment to a mental institution as criteria that prohibit a person from purchasing a firearm; providing definitions; requiring the department to maintain an automated database of persons who are prohibited from purchasing a firearm; requiring each clerk of court to submit certain court records to the department within a certain period; requiring the department to delete certain records from the automated database upon the request of an individual meeting specified conditions; authorizing the department to disclose collected data to other federal or state agencies with regard to the sale or transfer of a firearm; authorizing the department to disclose certain information to the Department of Agriculture and Consumer Services for determining the eligibility of an applicant for a concealed weapons or concealed firearms license; requiring the clerk of court or mental hospital to provide additional information upon request following an appeal of an unapproved sale or transfer of a firearm; amending s. 914.25, F.S.; providing for recertification for protective services for an additional period, with reimbursement for expenses from the Victim and Witness Protection Review Committee; providing for unlimited protective services for a victim or witness without reimbursement; amending s. 937.021, F.S.; providing immunity to the Department of Law Enforcement, other law enforcement agencies, media representatives, and dealers of communications services from civil liability for complying in good faith with a request to record or report information of an Amber Alert or Missing Child Alert; providing that a technical or clerical error or incorrect or incomplete information does not overcome the presumption of good faith in reporting information about an Amber Alert or Missing Child Alert; providing that it is a discretionary decision to report, record, or display Amber Alert or Missing Child Alert information received from the local law enforcement agency having jurisdiction; amending s. 938.07, F.S.; requiring that a portion of certain court costs imposed for a conviction of driving or boating under the influence be deposited into the Operating Trust Fund of the Department of Law Enforcement instead of the Criminal Justice Standards and Training Trust Fund; amending s. 938.27, F.S.; requiring that investigative costs recovered on behalf of the Department of Law

Enforcement be deposited into the department's Forfeiture and Investigative Trust Fund; amending s. 943.052, F.S.; requiring that disposition reports for dispositions relating to minor offenders are mandatory after a specified date; amending s. 68.07, F.S.; requiring a set of fingerprints as part of a name change petition; amending s. 943.05, F.S.; authorizing the Department of Law Enforcement to retain fingerprints in certain circumstances and use retained fingerprints for certain purposes; providing for an annual fee; providing for waiver of the fee for good cause shown; providing for free services for certain purposes; amending s. 943.053, F.S.; requiring the department to make certain information available to judges; limiting use of information; authorizing a criminal justice agency to obtain a criminal history background check of a noncertified agency employee by submitting fingerprints to the department; requiring that the criminal history check be provided by the department in certain circumstances; amending s. 943.0585, F.S.; prohibiting a court from expunging a criminal history record containing certain sexual offenses or certain offenses that require registration as a sexual offender; requiring a valid certificate of eligibility for expunction in a petition to expunge a criminal history record; specifying the time during which a certificate of eligibility for expunction is valid; requiring that a trial may not have occurred in order for a person to obtain a statement from the state attorney authorizing the expunction of a criminal record; authorizing a person who has secured a prior sealing of a criminal history record to seek a certificate of eligibility for expunction if the criminal history record was previously sealed for a certain number of years and is otherwise eligible for expunction; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowledge arrests covered by expunged records; providing that the department may acknowledge expunged criminal history records under certain circumstances; prohibiting seaport employees from disclosing expunged criminal history record information except to certain persons; providing penalties; amending s. 943.059, F.S.; enumerating certain sexual offenses and offenses that require registration as a sexual offender which may not be sealed; requiring a valid certificate of eligibility for sealing in a petition to seal a criminal history record; specifying the period during which a certificate of eligibility for sealing is valid; providing that the information contained in a sealed criminal record is available to a criminal justice agency for the purpose of conducting a criminal history background check for approval of a firearms purchase or transfer; prohibiting a person from denying arrests covered by his or her sealed criminal record when attempting to purchase a firearm; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowledge arrests covered by sealed records; providing that the department may acknowledge sealed criminal history records under certain circumstances; prohibiting seaport employees from disclosing sealed criminal history record information except to certain persons; providing penalties; amending s. 943.13, F.S.; requiring the department to enter law enforcement, correctional, and correctional probation officers' fingerprints into a statewide automated fingerprint identification system; requiring the department to search each arrest fingerprint card received against fingerprints retained in the statewide automated fingerprint identification system; providing for refingerprinting by a certain date; amending ss. 943.1715 and 943.1716, F.S.; deleting the minimum number of hours required for basic skills training and continued employment training relating to diverse populations for law enforcement, correctional, and correctional probation officers; repealing s. 943.2569, F.S., relating to an annual financial audit of criminal justice selection centers; amending s. 943.257, F.S.; authorizing the Criminal Justice Standards and Training Commission and the advisory board of a criminal justice selection center to inspect and copy any documents from a center in order to carry out oversight responsibilities, including documents pertaining to any internal or independent audits; amending s. 943.401, F.S.; requiring the department to investigate all public assistance that is provided by the state; requiring public assistance recipients to consent in writing to an investigation into their employment and financial histories by the Agency for Workforce Innovation; requiring the department to report the results of the investigations to the Agency for Workforce Innovation; authorizing the department to purchase goodwill and promotional materials; limiting the annual amount of such expenditures; prohibiting the unauthorized use of the department's emblems and names; providing a penalty; amending s. 932.7055, F.S.; deleting certain reporting requirements; repealing s. 932.707, F.S., relating to penalty for noncompliance with reporting requirements; providing effective dates.

—was referred to the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

By Representative Bogdanoff and others—

**HB 247**—A bill to be entitled An act relating to the Beverage Law; creating s. 561.585, F.S.; authorizing certain direct shipments of wine; requiring licensure of winery shippers; providing requirements for licensure; providing prohibitions; requiring that a winery shipper licensee file a surety bond with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation; requiring that each container of wine shipped directly be labeled with a notice; requiring monthly reports by winery shipper licensees; providing limitations on the amount of wine a winery shipper may ship or cause to be shipped; limiting the size of wine containers; limiting the amount of wine a purchaser can purchase or cause to be shipped; providing age requirements for those receiving direct shipments of wine; providing a defense to certain actions; requiring the collection, remittance, and payment of certain taxes by direct shippers; requiring certain proceeds from discretionary sales surtaxes to be deposited into an account in the Discretionary Sales Surtax Clearing Trust Fund; requiring that winery shippers maintain certain records for a certain time period; providing for jurisdiction; providing penalties; amending s. 561.14, F.S.; classifying the winery shipper license; amending s. 561.54, F.S.; removing a provision requiring that the licensee be aggrieved by a violation involving prohibited delivery from without the state to have standing to bring an action; exempting from such prohibition shipment of wine by a winery shipper licensee; amending s. 561.545, F.S.; exempting applicability of the prohibition against direct shipment of alcoholic beverages to the shipment of wine by a winery shipper licensee; amending s. 561.57, F.S.; providing that Internet orders shall be construed as telephone orders; exempting common carriers, licensees, or other persons utilizing common carriers as their agents from certain report filing requirements; requiring common carriers to verify the age of persons receiving shipments; providing a defense to certain actions; providing criteria for the defense; amending s. 599.004, F.S.; revising qualifications for the certification of Florida Farm Wineries; amending s. 561.24, F.S.; revising an effective date; authorizing certain manufacturers of wine holding a distributor's license to renew such license; removing exemption of Florida Farm Wineries from prohibition against manufacturer being licensed as distributor or registered as exporter; providing for severability; providing for nonimpairment of contracts; providing for rulemaking authority; authorizing additional positions; providing appropriations; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; and General Government Appropriations.

By Representative Brown and others—

**HB 265**—A bill to be entitled An act relating to hunting lands; creating s. 372.0025, F.S.; providing definitions; requiring certain lands owned, managed, or leased by the Fish and Wildlife Conservation Commission to be used for the purpose of hunting; requiring the commission to support, promote, and enhance hunting opportunities; requiring the commission to provide comparable acreage for any loss of existing hunting lands; providing requirements for location and use of replacement lands; requiring state agencies and water management districts to allow certain lands to be used for the purpose of hunting; providing an exemption for lands within the state park system; authorizing the Department of Environmental Protection to make certain determinations relating to such lands; requiring annual reports to the commission and Legislature; providing an effective date.

—was referred to the Committees on Environmental Preservation; Judiciary; and General Government Appropriations.

By Representative Needelman and others—

**HB 285**—A bill to be entitled An act relating to emergency management; amending s. 252.36, F.S.; providing construction with respect to the authority of the Governor to seize, take, or confiscate firearms in the event of an emergency beyond local control; amending s. 870.044, F.S.; providing construction with respect to the seizure, taking, or confiscation of firearms during a state of emergency; reenacting s. 377.703(3)(a), F.S., relating to the authority of the Governor to utilize specified emergency management powers to carry out emergency actions required by

a serious shortage of energy sources under the energy emergency contingency plan of the Department of Environmental Protection, for the purpose of incorporating the amendment to s. 252.36, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Criminal Justice; Domestic Security; and Judiciary.

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By Representative Bean and others—

**HB 291**—A bill to be entitled An act relating to the public school grading system; amending s. 1008.34, F.S.; adding certain feeder pattern schools to list of schools receiving a school grade; prescribing circumstances in which a feeder pattern exists; amending s. 1002.38, F.S.; allowing students served by certain feeder pattern schools to participate in the Opportunity Scholarship Program; amending s. 1008.36, F.S.; allowing certain feeder pattern schools to participate in the Florida School Recognition Program; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

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By Representative Garcia and others—

**HB 483**—A bill to be entitled An act relating to nursing services; amending s. 395.0191, F.S.; requiring hospitals to meet the requirements of a federal regulation relating to registered nurses performing circulating duties in operating rooms; requiring circulating nurses to be present in operating rooms during specified times; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

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By Representative Bilirakis and others—

**HB 513**—A bill to be entitled An act relating to career and professional academies; creating s. 1003.493, F.S.; defining “career and professional academy”; providing academy goals and duties; authorizing an academy to be offered as a described small learning community; creating s. 1003.494, F.S.; requiring the Department of Education to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project as a competitive process for the designation of school district participants and CHOICE academies; defining “CHOICE academy” and providing purposes thereof; providing eligibility criteria for such designation and duties of participating school districts and the department; providing for the award to school district participants in the CHOICE project of startup funds for the development of CHOICE academies; amending ss. 288.9015 and 445.004, F.S.; providing duties of Enterprise Florida, Inc., and Workforce Florida, Inc., to conform; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

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By Representative Ross and others—

**HM 541**—A memorial to the Congress of the United States urging Congress to support a National Catastrophe Insurance Program.

—was referred to the Committee on Banking and Insurance.

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By Representative Galvano and others—

**HB 587**—A bill to be entitled An act relating to health care practitioners; providing legislative findings and intent; amending s. 456.072, F.S., relating to grounds for discipline, penalties, and enforcement applicable to health care practitioners; providing that a practitioner's failure to identify the type of license under which he or she is practicing constitutes grounds for disciplinary action; providing exceptions; authorizing

certain entities to determine compliance with a disclosure requirement; providing penalties; specifying that a reference to the section constitutes a general reference under the doctrine of incorporation by reference; providing an effective date.

—was referred to the Committee on Health Care.

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By Representative Arza and others—

**HB 661**—A bill to be entitled An act relating to governmental services telephone systems; creating s. 365.180, F.S.; providing legislative findings; defining the term “coordinated 311 nonemergency and other governmental services telephone system”; authorizing the Department of Community Affairs to accept and administer funds to provide grants for certain governmental services telephone systems; authorizing counties and municipalities to apply for grants; requiring a county or municipality to provide matching funds; providing procedures for approval of grant awards; requiring approval by the Secretary of Community Affairs or appropriation by the Legislature; providing for certain limitations on grant funds amounts; requiring a report to the Governor and the Legislature detailing expenditures; authorizing the department to adopt rules; providing application evaluation criteria; providing grants may be awarded as appropriated or as made available from private sources; providing an effective date.

—was referred to the Committees on Community Affairs; Transportation and Economic Development Appropriations; and Ways and Means.

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By Representative Bowen and others—

**HB 749**—A bill to be entitled An act relating to sewage treatment and disposal systems; amending s. 153.54, F.S.; requiring county commissions to include certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system in certain reports; amending s. 153.73, F.S.; requiring county water and sewer districts to conduct certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system prior to the levying of certain assessments; amending s. 163.3180, F.S.; authorizing local governments to use certain onsite sewage treatment and disposal systems to meet certain concurrency requirements; amending s. 180.03, F.S.; requiring municipalities to conduct certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system prior to the adoption of certain resolutions or ordinances; amending s. 381.00655, F.S.; authorizing local governments and certain water and sewer districts to grant variances from connecting to a publicly owned or investor-owned sewerage system under certain circumstances; providing construction; amending s. 381.0067, F.S.; authorizing the department or its agents to require repair or replacement of drainfields under certain circumstances; requiring the department or its agents to issue an order for the replacement of an onsite sewage treatment and disposal system under certain circumstances; providing construction; amending s. 489.554, F.S.; increasing annual continuing education requirements for septic tank contractors and master septic tank contractors; providing an effective date.

—was referred to the Committees on Community Affairs; and Health Care.

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By Representative Roberson and others—

**HB 775**—A bill to be entitled An act relating to psychology specialties; creating s. 490.0149, F.S.; providing a definition; specifying the circumstances under which a psychologist may hold himself or herself out as a certified psychology specialist, board-certified psychology specialist, or psychology diplomate; requiring the Board of Psychology to adopt rules to establish specified criteria for approval of certifying bodies; specifying that a person licensed under ch. 490, F.S., may specify the types of services he or she provides; providing an effective date.

—was referred to the Committee on Health Care.

By Representative Flores and others—

**HB 795**—A bill to be entitled An act relating to student financial assistance; creating s. 1009.701, F.S.; creating the First Generation Matching Grant Program to provide financial aid to undergraduate students with financial need whose parents have not earned a baccalaureate degree; providing for appropriation, allocation, and distribution of funds; providing student eligibility requirements; providing the basis for the amount of awards; providing duties of institutions participating in the program; creating s. 1009.255, F.S.; providing an out-of-state fee exemption; providing eligibility criteria; providing for distribution of the exemption; limiting participation in the program; requiring the Department of Education to administer the exemption program; prohibiting use of the exemption for certain purposes; providing an appropriation; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

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By Representative Patterson and others—

**HB 801**—A bill to be entitled An act relating to the Florida Ready to Work Certification Program; creating s. 1004.99, F.S.; creating the program to enhance student workplace skills; providing for implementation; providing program components; authorizing rulemaking; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

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By Representative Grant and others—

**HB 819**—A bill to be entitled An act relating to radiologist assistants; amending s. 468.3001, F.S.; redesignating part IV of ch. 468, F.S., as the “Radiological Personnel Certification Act”; amending s. 468.301, F.S.; providing definitions; amending s. 468.302, F.S.; providing for identification and duties of a radiologist assistant; providing for rulemaking by the Department of Health; providing limitations on duties a radiologist assistant may perform; amending s. 468.304, F.S.; providing conditions for qualification for a radiologist assistant’s certificate; amending s. 468.306, F.S.; specifying the applicants required to pass a certification examination; requiring the department to accept certain demonstrations by an applicant for a certification to practice as a radiologist assistant in lieu of any examination requirement; amending s. 468.3065, F.S.; authorizing the Department of Health to issue certificates by endorsement to certain radiologist assistants; providing for a fee; amending ss. 468.307, 468.309, 468.3095, 468.3101, 468.311, and 468.3115, F.S.; including radiologist assistants in provisions applicable to radiologic technologists with respect to requirements for certificate display, certificate renewal, change of certificate status, grounds for disciplinary action, violations, penalties, and injunctive relief; amending s. 468.314, F.S.; adding a certified radiologist assistant to the membership of the Advisory Council on Radiation Protection; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

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By Representative Vana—

**HB 951**—A bill to be entitled An act relating to Palm Beach County; creating the Town of Loxahatchee Groves; providing a charter; providing legislative intent; providing a council-manager form of government; providing boundaries; providing municipal powers; providing for a town council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for compensation and expenses; providing for appointment of charter officers, including a town manager and town attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for meetings; providing for adoption, distribution, and recording of technical codes; providing for recordkeeping; providing a limitation upon

employment of council members; prohibiting certain interference with town employees; establishing the fiscal year; providing for adoption of annual budget and appropriations; providing for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for referendum requirements for revenue bonds and other multiyear contracts; providing for financial audit; providing for nonpartisan elections and matters relative thereto; providing for recall; providing for initiative and referenda; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a personnel system; providing for charitable contributions; providing for land use changes; providing the town a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for sharing of communications services tax; providing for accelerated entitlement to state-shared revenues; providing for receipt and distribution of gas tax revenues; providing for continuation of the Palm Beach County Fire Rescue Municipal Service Taxing Unit; providing for law enforcement; providing for continuation of the Palm Beach County Library District; providing for dissolution of the Palm Beach County Municipal Service Taxing Unit B and dissolution of the Palm Beach County Municipal Service Taxing Unit F; providing for continuation of the Loxahatchee Groves Water Control District; providing for continuation of Loxahatchee Groves Park; repealing s. 6 of s. 2 of chapter 99-425, Laws of Florida, relating to a restriction on annexation of the Loxahatchee Groves Water Control District; providing for waivers; requiring a referendum; providing effective dates.

—was referred to the Committee on Rules and Calendar.

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By Representative Garcia and others—

**HB 1039**—A bill to be entitled An act relating to the planned east coast buffer water resources management plan of the South Florida Water Management District; amending s. 373.4149, F.S.; revising the geographic boundaries of the Miami-Dade County Lake Belt Area; amending s. 373.41492, F.S.; revising the geographic boundaries for mining areas subject to mitigation fees under the Miami-Dade County Lake Belt Mitigation Plan; providing for mitigation fee increases and imposing a water treatment plant upgrade fee; authorizing proceeds of mitigation fees to be allocated to the South Florida Water Management District and Miami-Dade County for specific purposes; authorizing the proceeds of the water treatment plant upgrade fee to be used for updating a water treatment plant near the Lake Belt Area; revising the reporting requirements for the interagency committee; designating the Site 1 Impoundment project of the Comprehensive Everglades Restoration Plan sponsored by the South Florida Water Management District as the Fran Reich Preserve; directing the South Florida Water Management District to erect suitable markers; providing an effective date.

—was referred to the Committees on Environmental Preservation; Community Affairs; and General Government Appropriations.

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By Representative Poppell—

**HB 1203**—A bill to be entitled An act relating to the St. Johns Water Control District, Indian River County; codifying, amending, and reenacting special acts relating to the district; fixing and prescribing boundaries of said district; making the provisions of chapter 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the county property appraiser and tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that the board may enter into certain covenants and agreements with holders of bonds; providing that water is a common enemy; providing for compensation of the board of supervisors; providing additional powers

of the board; providing for severability of the provisions of the act; repealing chapters 65-812 and 69-1162, Laws of Florida, relating to the district; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative Poppell—

**HB 1205**—A bill to be entitled An act relating to Indian River Farms Water Control District, Indian River County; codifying, amending, reenacting, and repealing special acts relating to the district; providing territorial boundaries of the district; making the provisions of ch. 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the property appraiser and tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; authorizing the board of supervisors to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

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By Representative M. Davis and others—

**HB 1363**—A bill to be entitled An act relating to affordable housing; creating s. 125.379, F.S.; providing for disposition of county property for affordable housing; amending s. 163.31771, F.S., relating to accessory dwelling units; revising legislative findings and definitions; conforming cross-references; creating s. 163.31772, F.S.; providing legislative findings and intent relating to changes in land use affecting mobile home parks; providing definitions; providing requirements for local governments and community redevelopment agencies regarding specified funding sources to provide financial assistance to certain mobile home owners; providing requirements for mobile home owners to qualify for financial assistance; authorizing local governments to permit and approve rezoning of property for the development of new mobile home parks; providing that a local government or redevelopment agency may enter into a development agreement with the owner of a mobile home park to encourage its continued use for affordable housing; providing rulemaking authority; limiting the length of certain development agreements; amending s. 163.3187, F.S.; revising a limitation relating to small scale comprehensive plan amendments involving the construction of affordable housing units; creating s. 166.0451, F.S.; providing for disposition of municipal property for affordable housing; amending s. 189.4155, F.S.; authorizing independent special districts to provide for housing and housing assistance; amending s. 191.006, F.S.; authorizing independent special fire control districts to provide employee housing and housing assistance; creating s. 193.018, F.S.; creating the Manny Diaz Affordable Housing Property Tax Relief Initiative; providing criteria for assessing just valuation of affordable housing properties serving persons of low, moderate, very-low, and extremely-low incomes; amending s. 196.1978, F.S.; specifying what constitutes a nonprofit entity for purposes of affordable housing property tax exemption; conforming cross-references; amending s. 253.034, F.S.; providing for the disposition of state lands for affordable housing; amending s. 253.0341, F.S.; authorizing local governments to request state lands be declared surplus for the purpose of affordable housing; providing for use of lands that are declared surplus; amending s. 295.16, F.S.; expanding the disabled veteran exemption from certain license and permit fees relating to dwelling improvements; amending s. 376.30781, F.S.; providing tax credits for eligible applicants; amending s. 380.06, F.S.; providing a greater substantial deviation threshold for the provision of affordable housing in a development of regional impact; conforming cross-references; amending

s. 380.0651, F.S.; providing a statewide guidelines and standards bonus for the provision of workforce housing; amending s. 420.0004, F.S.; defining the term “extremely-low-income persons”; conforming cross-references; amending s. 420.37, F.S., relating to additional powers of the Florida Housing Finance Corporation; providing for additional powers of the Florida Department of Community Affairs; amending s. 420.503, F.S.; revising the definition of the term “farmworker” under the Florida Housing Finance Corporation Act; providing rulemaking authority; amending s. 420.5061, F.S.; conforming a cross-reference; amending s. 420.507, F.S.; revising and expanding the powers of the Florida Housing Finance Corporation relating to mortgage loan interest rates, loans, loan relief, uses of loan funds, subsidiary business entities, and data reporting; providing rulemaking authority; amending s. 420.5087, F.S.; increasing the population criteria for the State Apartment Incentive Loan Program; revising criteria for loans; conforming cross-references; amending s. 420.5088, F.S.; expanding the scope of the Florida Homeownership Assistance Program; revising loan requirements; deleting a provision reserving program funds for certain borrowers; repealing s. 420.530, F.S., relating to the State Farm Worker Housing Pilot Loan Program; amending s. 420.9071, F.S.; conforming a cross-reference; amending s. 420.9072, F.S.; conforming cross-references; amending s. 420.9075, F.S.; requiring local housing assistance plans to define essential service personnel for the county or eligible municipality and to contain a strategy for the recruitment and retention of such personnel; amending s. 420.9076, F.S.; conforming a cross-reference; amending s. 420.9079, F.S.; revising the maximum appropriation the Florida Housing Finance Corporation may request each state fiscal year; conforming a cross-reference; amending s. 1001.43, F.S.; authorizing district school boards to use certain school sites to provide sites for affordable housing for teachers and other district personnel; amending s. 723.0612, F.S.; requiring local governments to allow the owner of a mobile home or a recreational vehicle park to change the use of park land to a single-family residential or multi-family land use under certain conditions; creating the Community Workforce Housing Innovation Pilot Program; providing legislative findings; providing definitions; providing the Florida Housing Finance Corporation with certain powers and responsibilities relating to the program; requiring the program to target certain entities; providing application requirements; authorizing an applicant to use a nonprofit or public entity to manage its housing program; providing incentives for program applicants; providing rulemaking authority; requires a report to the Governor and Legislature; authorizing local governments to provide density bonus incentives to landowners who donate fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing; providing definitions and requirements governing such donations and density bonuses; requiring the Department of Community Affairs to establish a Home Retrofit Hardening Program and establishing requirements for the program; requiring the Department of Community Affairs to establish a Disaster Recovery Assistance Program and establishing requirements for the program; authorizing the Florida Housing Finance Corporation to provide funds to eligible entities for affordable housing recovery in areas of the state sustaining hurricane damage due to hurricanes during 2004 and 2005; providing legislative findings and emergency rulemaking authority; providing appropriations; providing effective dates.

—was referred to the Committees on Community Affairs; Governmental Oversight and Productivity; Banking and Insurance; Judiciary; and Ways and Means.

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By Representative M. Davis and others—

**HB 1365**—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.814, F.S.; providing for certain children who are ineligible to participate in the Florida KidCare program to be eligible for Medikids or the Florida Healthy Kids program; specifying that 12 months of continuous eligibility includes changes between program components; amending s. 409.818, F.S.; providing for the administration of the eligibility application process; amending s. 409.821, F.S., relating to a public records exemption; specifying that such provision does not prohibit an enrollee’s parent or legal guardian from obtaining confirmation of coverage and dates of coverage; amending s. 624.91, F.S.; authorizing participating health and dental plans to develop marketing and other promotional materials and to participate in activities to promote the Florida KidCare program; requiring the Agency for Health Care Admin-

istration to begin enrollment in Medikids or the Florida Healthy Kids program by a certain date; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; and Ways and Means.

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By Representative Rubio and others—

**HB 1567**—A bill to be entitled An act relating to eminent domain; creating s. 73.013, F.S.; restricting certain transfers of property taken by eminent domain to certain natural persons or private entities; amending s. 163.335, F.S.; providing legislative findings and declarations; amending s. 163.355, F.S.; requiring disclosure of eminent domain authority in resolutions finding slum or blight conditions; providing for notice to property owners and business owners or lessees and requirements therefor; providing for hearings and advertising requirements therefor; amending s. 163.358, F.S.; providing that the power of eminent domain does not vest in a community redevelopment agency but rather with the governing body of a county or municipality; amending s. 163.360, F.S.; requiring disclosure of eminent domain authority in community redevelopment plans; amending s. 163.370, F.S.; revising powers of community redevelopment agencies with respect to the acquisition of real property; amending s. 163.375, F.S.; revising eminent domain authority and procedures, including notice, hearings, and challenge; amending ss. 127.01 and 127.02, F.S.; requiring county compliance with eminent domain limitations; amending ss. 166.401 and 166.411, F.S.; requiring municipal compliance with eminent domain limitations; providing application; providing an effective date.

—was referred to the Committees on Judiciary; and Community Affairs.

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By the Committee on Tourism; and Representative Detert—

**HB 7031**—A bill to be entitled An act relating to the Department of State; amending s. 265.285, F.S.; clarifying terms of appointment to the Florida Arts Council; removing obsolete language; amending s. 265.606, F.S.; deleting a requirement for local sponsoring organizations to submit an annual postaudit to the Division of Cultural Affairs under certain circumstances; providing for deposit of the state's matching share of cultural endowment to the Florida Fine Arts Trust Fund rather than reversion to the General Revenue Fund; requiring that authority to disburse funds is subject to notice and review procedures; providing for reversion of funds to the General Revenue Fund under certain circumstances; amending s. 267.174, F.S.; changing the dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, the completion of the initial draft of a specified master plan, and the submission of the completed master plan; amending s. 272.129, F.S.; transferring responsibility for the Florida Historic Capitol from the Department of State to the Legislature; providing for allocation of certain space for preservation, museum, and cultural programs of the Legislature; requiring the maintenance of the Florida Historic Capitol pursuant to certain historic preservation standards and guidelines; removing responsibility of the Department of Management Services for security of the Historic Capitol and adjacent grounds; amending s. 272.135, F.S.; requiring the Capitol Curator to be appointed by the President of the Senate and the Speaker of the House of Representatives; deleting rulemaking authority of the Department of State to conform; amending s. 607.193, F.S.; correcting references to repealed sections of Florida Statutes within provisions relating to the annual supplemental corporate fee imposed on each business entity authorized to transact business in this state; amending s. 257.05, F.S.; requiring that each state official, agency, board, and court provide to the Division of Library and Information Services of the Department of State an annual list of public documents issued by the official, agency, board, or court; amending s. 283.31, F.S.; defining the term "publication" for purposes of a requirement that an executive agency maintain records of certain publication costs; amending s. 283.55, F.S.; revising the form used by each state agency for the purpose of purging publication mailing lists; providing an effective date.

—was referred to the Committees on Community Affairs; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By the Committee on Choice and Innovation; and Representative Stargel and others—

**HB 7103**—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; revising charter school purposes; modifying provisions relating to duties of sponsors, the application process, denial of an application, and review of appeals; requiring the Department of Education to provide technical assistance to charter school applicants; providing requirements relating to charter contracts; providing procedures when a state of financial emergency exists; revising provisions relating to charter terms and renewal; revising nonrenewal and termination provisions, including procedures for immediate termination; revising provisions relating to the reversion of funds; revising duties of a charter school governing body relating to audits; requiring the department to develop a uniform accountability report; providing procedures with respect to charter schools with deficiencies; requiring a school improvement plan to raise student achievement; providing for probation and corrective actions; requiring consultation with respect to conversion charter school attendance zones; revising provisions relating to payment and reimbursement to a charter school by a school district; requiring conversion charter schools to comply with certain facility requirements under specific situations; authorizing certain zoning and land use designations for certain charter school facilities; revising exemption from assessment of fees; authorizing the department to recommend that school districts make certain space available to charter schools; providing for additional services to charter schools and revising administrative fee requirements; requiring the department to develop a standard format for applications, charters, and charter renewals; requiring legislative review of charter schools in 2010; amending s. 218.39, F.S.; requiring the governing body of a charter school to be notified of certain deteriorating financial conditions; amending s. 218.50, F.S.; modifying a short title; amending s. 218.501, F.S.; including charter schools in the statement of purpose relating to financial management; amending s. 218.503, F.S.; providing for charter schools to be subject to provisions governing financial emergencies; providing procedures; amending s. 218.504, F.S.; providing for cessation of state action related to a state of financial emergency; amending s. 11.45, F.S.; conforming provisions; amending s. 1003.05, F.S.; modifying the list of special academic programs for transitioning students from military families; amending s. 1011.71, F.S.; clarifying the use of funds generated through additional millage; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

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By the Committee on PreK-12; and Representative Arza and others—

**HB 7119**—A bill to be entitled An act relating to interscholastic athletics; requiring the Florida High School Athletic Association to hold certain bylaws in abeyance; providing for creation of a task force to review student athlete recruiting issues; providing for task force membership and duties; requiring recommendations to the Governor and the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of recruiting violations by Florida High School Athletic Association member schools; providing an appropriation; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to facilitate a 1-year drug testing program to randomly test for anabolic steroid use by students in grades 9 through 12 who participate in postseason competition in football, baseball, girls' softball, and weightlifting in its member schools; requiring schools to consent to the provisions of the program as a prerequisite for membership in the organization; requiring the organization to establish procedures for the conduct of the program, including contracting with a testing agency to administer the program; providing that the finding of a drug test shall be separate from a student's educational records; providing for disclosure; requiring students and their parents to consent to the provisions of the program as a prerequisite for eligibility to participate in interscholastic athletics; providing penalties for students selected for testing who fail to provide a specimen; requiring the administration of a school to meet with a student who tests positive and his or her parent to review the finding, penalties, and procedure for challenge and appeal; providing penalties for positive findings; providing due process procedures for challenge and appeal; requiring the organization to provide a report to the Legislature on the results of the program; providing an exemption from civil liability resulting from implementation of the program; requiring the Department of Legal Affairs to provide defense in

claims of civil liability; requiring program expenses to be paid through legislative appropriation; providing for expiration of the program; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Environmental Regulation; and Representative Needelman and others—

**HB 7163**—A bill to be entitled An act relating to environmental permitting; reenacting and amending s. 373.4145, F.S.; requiring the Northwest Florida Water Management District and the Department of Environmental Protection to jointly develop rules for the regulation of certain activities related to stormwater management systems and the management and storage of surface waters; requiring the district and the department to streamline federal and state wetland permitting programs and to implement such measures; requiring certain exemptions and provisions for rules relating to certain dwellings; requiring the department and district to incorporate certain exemptions and general permits in joint rules; exempting certain activities and structures from permitting requirements; requiring the department and the district to enter into an operating agreement for the implementation of certain provisions; requiring the district to be responsible for the regulation and local delegation of certain activities; providing for continuing operation of certain earlier law; repealing certain provisions upon the adoption of rules; providing effect for failure to fund in any given fiscal year; requiring the department to negotiate with local governments in the district by a certain date for delegation of responsibility for certain permitting; requiring the department to report to the Legislature by a certain date; providing an appropriation for operational expenses of the district; repealing s. 4 of ch. 2005-273, Laws of Florida, and s. 32 of ch. 2005-71, Laws of Florida, which specified dates certain for the repeal of certain provisions relating to permitting in the district; prohibiting limitation or restriction on the protections from duplication contained in certain provisions of law; providing an effective date.

—was referred to the Committees on General Government Appropriations; Environmental Preservation; Ways and Means; and Rules and Calendar.

By the Committee on Future of Florida's Families; and Representative Galvano and others—

**HB 7173**—A bill to be entitled An act relating to the welfare of children; amending s. 39.001, F.S.; providing additional purposes of ch. 39, F.S.; revising legislative intent; creating the Office of Child Abuse Prevention within the Executive Office of the Governor; directing the Governor to appoint a director of the office; providing duties and responsibilities of the director; providing procedures for evaluation of child abuse prevention programs; requiring a report to the Governor, Legislature, secretaries of certain state agencies, and certain committees of the Legislature; providing for information to be included in the report; providing for the development and implementation of a state plan for the coordination of child abuse prevention programs and services; establishing a Child Abuse Prevention Advisory Council; providing for membership, duties, and responsibilities; requiring requests for funding to be based on the state plan; providing for review and revision of the state plan; granting rulemaking authority to the Executive Office of the Governor; requiring the Legislature to evaluate the office by a specified date; amending s. 39.0014, F.S.; providing responsibilities of the office under ch. 39, F.S.; amending s. 39.01, F.S.; providing and revising definitions; amending s. 39.202, F.S.; providing access to records for agencies that provide early intervention and prevention services; amending ss. 39.0015, 39.013, and 39.302, F.S.; conforming cross-references and terminology; amending s. 39.701, F.S.; requiring the court to issue an order that is separate from other judicial review orders; amending s. 402.164, F.S.; establishing legislative intent for the statewide and local advocacy councils; revising a definition; amending s. 402.165, F.S.; providing for termination of members of the statewide council; providing guidelines for selection of the executive director of the Florida Statewide Advocacy Council; establishing a process for investigating reports of abuse; revising council meeting requirements; providing requirements for interagency agreements; requiring interagency agreements to be renewed annually and submitted to the Governor by a specified date; providing

additional requirements for the statewide council to petition the circuit court for access to certain records; amending s. 409.1451, F.S., relating to independent living transition services; revising eligibility requirements for certain young adults; revising duties of the Department of Children and Family Services regarding independent living transition services; including additional parties in the review of a child's academic performance; requiring the department or a community-based care lead agency under contract with the department to develop a plan for delivery of such services; requiring additional aftercare support services; providing additional qualifications to receive an award under the Road-to-Independence Program; deleting certain time restrictions for submitting applications; providing procedures for the payment of awards; requiring collaboration between certain parties in the development of a plan regarding the provision of transitional services; requiring a community-based care lead agency to develop a plan for purchase and delivery of such services and requiring department approval prior to implementation; requiring the department to submit a report annually to the Legislature on performance, oversight, and rule development; permitting the Independent Living Services Advisory Council to have access to certain data held by the department and certain agencies; amending s. 409.175, F.S.; revising the definition of the term "boarding school" to require such schools to meet certain standards within a specified timeframe; amending s. 409.903, F.S.; providing eligibility criteria for certain persons to qualify for medical assistance payments; creating s. 743.045, F.S.; removing the disability of nonage for certain youth in the legal custody of the Department of Children and Family Services; amending s. 1009.25, F.S.; providing additional criteria for a student to qualify for an exemption from certain tuition and fees; providing a contingent effective date.

—was referred to the Committees on Children and Families; Education; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

By the Committee on Insurance; and Representative Ross and others—

**HB 7225**—A bill to be entitled An act relating to property and casualty insurance; providing a short title; amending s. 215.555, F.S.; revising a definition; authorizing the State Board of Administration to make available to certain insurers a contract to cede certain portions of surplus to the Florida Hurricane Catastrophe Fund; providing contract criteria and requirements; revising certain reimbursement contract criteria; revising certain reimbursement premium requirements; deleting a revenue bond issuance prohibition and validation requirement; revising certain revenue bond emergency assessment requirements; creating s. 215.558, F.S.; creating the Florida Hurricane Damage Prevention Endowment; providing a purpose and legislative intent; providing definitions; providing requirements and authority for investment of endowment assets by the State Board of Administration; requiring a report to the Legislature; providing for payment of the board's investment services' costs and fees from the endowment; providing requirements of the Department of Financial Services in providing financial incentives for residential hurricane damage prevention activities; providing for an interest-free loan program; providing program criteria and requirements; creating an advisory council for certain purposes; providing for appointment of members; requiring members to serve without compensation; providing for per diem and travel expenses; creating s. 215.5586, F.S.; establishing the Florida Comprehensive Hurricane Damage Mitigation Program within the Department of Financial Services; providing qualifications for the program administrator; providing program components and requirements; providing for wind certification and hurricane mitigation inspections; providing inspection requirements; providing inspector eligibility requirements; providing for grants; providing grant requirements; providing for loans; providing public education and consumer awareness requirements; amending s. 215.559, F.S.; deleting provisions relating to the development of a low-interest loan program for homeowners and mobile home owners to retrofit their homes by the Department of Community Affairs; creating the Manufactured Housing and Mobile Home Mitigation and Enhancement Program for certain purposes; requiring Tallahassee Community College to develop the program in consultation with certain entities; specifying requirements of the program; specifying certain requirements of the program as to certain concerns of the Department of Highway Safety and Motor Vehicles relating to manufactured homes and mobile homes; specifying the program as a grant



program for improvement of mobile homes and manufactured home parks; requiring the Department of Financial Services to distribute the grants to Tallahassee Community College for certain purposes; requiring Citizens Property Insurance Corporation to grant certain insurance discounts, credits, rate differentials, or deductible reductions for property insurance premiums for manufactured home or mobile home owners; specifying criteria for such premiums; requiring a program report each year to the Governor and Legislature; providing report requirements; specifying funding for tie-down enhancement systems; requiring Tallahassee Community College to provide a program report each year to the Governor and Legislature; providing report requirements; creating s. 252.63, F.S.; providing purpose and intent; providing powers of the Commissioner of Insurance Regulation during a state of emergency; providing a purpose and intent; authorizing the commissioner to issue certain orders in a state of emergency; providing for effect and duration of such orders; providing for legislative termination of such orders; requiring the commissioner to publish such orders and an explanatory statement; amending s. 626.918, F.S.; authorizing certain letters of credit to fund an insurer's required policyholder protection trust fund; providing a definition; amending s. 627.062, F.S.; specifying certain rate filings as not subject to office determination as excessive or unfairly discriminatory; providing limitations; providing a definition; prohibiting certain rate filings under certain circumstances; preserving the office's authority to disapprove certain rate filings under certain circumstances; providing procedures for insurers submitting certain rate filings; revising provisions providing for recoupment of certain reinsurance costs; specifying nonapplication to certain types of insurance; specifying approval of certain rate filings under certain circumstances; providing an exception; requiring the office to provide annual reports on the impact of certain rate regulations; specifying report requirements; amending s. 627.0628, F.S.; prohibiting certain office or consumer advocate questions of certain models reviewed by the commission; amending s. 627.0645, F.S.; authorizing the office to exempt certain companies from certain rate filing and rate certification requirements; amending s. 627.06281, F.S.; prohibiting the office from using certain hurricane loss projection models under certain circumstances; amending s. 627.351, F.S., relating to the Citizens Property Insurance Corporation; providing additional legislative intent; specifying application to homestead property; providing that certain responsibilities of the Office of Insurance Regulation with respect to the plan of operation of Citizens Property Insurance Corporation be assumed by the Financial Services Commission; specifying the existing three separate accounts of the corporation as providing coverage only for homestead property; providing a definition; providing for an additional separate account for nonhomestead property; requiring separate maintenance of revenues, assets, liabilities, losses, and expenses attributable to the nonhomestead account; providing authority and requirements for coverage rates for nonhomestead properties; providing for office review of such rates or rating plans for being inadequate or unfairly discriminatory; authorizing the office to order discontinuance of certain policies under certain circumstances; requiring insurers to maintain certain records; providing for reducing regular assessments by the Citizen policyholder surcharge under certain circumstances; providing for deficit assessments against nonhomestead account policyholders under certain circumstances; authorizing the board of governors of the corporation to make loans from the homestead accounts to the nonhomestead account under certain circumstances; specifying ineligibility of certain nonhomestead account policyholders for certain coverage under certain circumstances; revising the requirements of the plan of operation of the corporation; requiring additional procedures for determining eligibility of a risk for coverage; prescribing a 10-day waiting period for applications for coverage for a new policy; authorizing exceptions; providing for determination of regular assessments to which the Citizen policyholder surcharge applies; providing for optional payment plans; specifying a minimum requirement for a hurricane deductible for certain property; specifying contents of required statements in applications for nonhomestead and homestead account coverage; requiring prospective senior management employees of the corporation to successfully pass a background check; requiring employees of the corporation to sign annually a statement that they have no conflict of interest; providing that senior managers and members of the board of governors are subject to the code of ethics and must file financial disclosure; prohibiting employees and members of the board of governors from accepting gifts or expenditures from a persons or entity, or employee thereof, which has or is under consideration for a contract with the corporation; providing

penalties; providing a limitation on senior managers' representation of persons before the corporation after retirement or termination of employment and on employment with an insurer that has received a take-out bonus; prescribing guidelines for purchases of goods and services; providing guidelines on use of outside counsel; prohibiting the corporation from retaining a lobbyist; authorizing full-time employees to register and engage in lobbying; creating the Office of Internal Auditor and prescribing its duties; providing record-retention requirements; requiring establishment of a unit or division to investigate claims involving possible fraud against the corporation and another to receive and respond to consumer complaints; requiring a periodic comprehensive market conduct examination of the corporation; requiring periodic operational audits of the corporation by the Auditor General; prescribing elements to be included in such audits; requiring the corporation to limit coverage on certain mobile homes or manufactured homes; providing additional legislative intent relating to rate adequacy in the residual market; revising provisions relating to a pilot program in Monroe County; providing program requirements of the office; deleting provisions relating to a rate methodology panel appointed by the corporation; providing requirements and limitations for a corporation adopted bonus payment program; specifying absence of liability of producing agents of record of the corporation and employees for a take-out insurer's insolvency; deleting provisions for immunity for certain persons and entities; providing a criterion for calculating reduction or increase in probable maximum loss; providing bankruptcy petition limitations; delaying application of certain high-risk area boundary reduction provisions; providing for application of provisions relating to homestead and nonhomestead accounts to certain policies; requiring certain corporation employees to comply with certain ethics code requirements; requiring corporation employees to notify the Division of Insurance Fraud of probable commissions of fraud by corporation employees; requiring the corporation to report on the feasibility of requiring authorized insurers to issue and service specified policies of the corporation; specifying report requirements; providing immunity to producing agents and employees for specified actions taken relating to removal of policies from the corporation; providing a limitation; providing legislative intent; creating a High Risk Eligibility Panel; providing for appointment of panel members and member's terms; providing for administration of the panel by the corporation; prohibiting compensation and per diem and travel expenses; providing an exception; requiring the panel to report annually to the Legislature on the certain areas that should be included in the Citizens Property Insurance Corporation high risk account; specifying factors to be considered by the panel; providing duties of the office; authorizing the office to conduct public hearings; requiring the panel to conduct an analysis of property eligible for the high-risk account in specified areas; requiring the panel to submit a report to the office and corporation; providing requirements of the report; amending s. 627.3517, F.S.; providing that an insurance risk apportionment plan policyholder's right to retain his or her current agent does not apply during the first 10 days after a new application for coverage has been submitted to Citizens Property Insurance Corporation; creating s. 627.3519, F.S.; requiring the Financial Services Commission to report annually to the Legislature on probable maximum losses, financing options, and assessment potentials of the Florida Hurricane Catastrophe Fund and Citizens Property Insurance Corporation; amending s. 627.4035, F.S.; providing for a waiver of a written authorization requirement to pay claims by debit card or other electronic transfer; amending s. 627.701, F.S.; providing additional authorization and requirements for hurricane deductibles for renewal periods; authorizing insurers to provide insureds with certain deductible selection options after hurricane mitigation measures are taken; providing a notice requirement; amending s. 627.7011, F.S.; limiting certain law and ordinance coverage; deleting application to personal property; requiring insurers to issue separate checks for certain expenses and requiring certain checks to be issued directly to a policyholder; creating s. 627.7019, F.S.; requiring the Financial Services Commission to adopt rules imposing standardized requirements applicable to insurers after certain natural events; providing criteria; providing requirements of the Office of Insurance Regulation; prohibiting certain conflicting emergency rules; amending s. 627.727, F.S.; correcting a cross-reference; amending s. 631.181, F.S.; providing an exception to certain requirements for a signed statement for certain claims; providing requirements; amending s. 631.54, F.S.; defining the term "homeowner's insurance"; amending s. 631.55, F.S.; correcting a cross-reference; amending s. 631.57, F.S.; revising requirements and limita-



tions for obligations of the Florida Insurance Guaranty Association for covered claims; authorizing the association to contract with counties, municipalities, and legal entities to issue revenue bonds for certain purposes; authorizing the Office of Insurance Regulation to levy assessments and emergency assessments on insurers under certain circumstances for certain bond repayment purposes; providing requirements for and limitations on such assessments; providing for payment, collection, and distribution of such assessments; requiring insurers to include an analysis of revenues from such assessments in a required report; providing rate filing requirements for insurers relating to such assessments; providing for continuing annual assessments under certain circumstances; specifying emergency assessments as not premium and not subject to certain taxes, fees, or commissions; specifying insurer liability for emergency assessments; providing an exception; creating s. 631.695, F.S.; providing legislative findings and purposes; providing for issuance of revenue bonds through counties and municipalities to fund assistance programs for paying covered claims for hurricane damage; providing procedures, requirements, and limitations for counties, municipalities, and the Florida Insurance Guaranty Association, Inc., relating to issuance and validation of such bonds; prohibiting pledging the funds, credit, property, and taxing power of the state, counties, and municipalities for payment of bonds; specifying authorized uses of bond proceeds; limiting the term of bonds; specifying a state covenant to protect bondholders from adverse actions relating to such bonds; specifying exemptions for bonds, notes, and other obligations of counties and municipalities from certain taxes or assessments on property and revenues; authorizing counties and municipalities to create a legal entity to exercise certain powers; requiring the association to issue an annual report on the status of certain uses of bond proceeds; providing report requirements; requiring the association to provide a copy of the report to the Legislature and Chief Financial Officer; prohibiting repeal of certain provisions relating to certain bonds under certain circumstances; amending s. 817.234, F.S.; providing an additional circumstance that constitutes committing insurance fraud; requiring the Office of Insurance Regulation to submit reports to the Legislature relating to the insurability of certain attached or free standing structures; providing report requirements; providing duties of the office; providing appropriations; specifying uses and purposes of appropriations; requiring insurers who recoup assessments to notify policyholders of the amount by which the surcharge has been reduced; providing penalties for a violation; providing effective dates.

—was referred to the Committees on Banking and Insurance; Judiciary; and Ways and Means.

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By Representative Rubio and others—

**HJR 1569**—A joint resolution proposing an amendment to Section 6 of Article X of the State Constitution relating to eminent domain.

—was referred to the Committees on Judiciary; and Community Affairs.

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By the Committee on Judiciary; and Representative Simmons and others—

**HJR 7037**—A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution, relating to state tax or fee limitations, to specify application to imposition of new state taxes or fees or increases in existing state taxes or fees that would produce revenues to state government and to include a limitation on any amendment or revision to the State Constitution that would result in significant additional spending by state government.

—was referred to the Committees on Government Efficiency Appropriations; Ways and Means; and Rules and Calendar.

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By Representative Adams—

**HB 1001**—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; exempting from public records requirements

biometric identification information held by an agency before, on, or after the effective date of the exemption; providing a definition; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

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By Representative Attkisson—

**HB 1285**—A bill to be entitled An act relating to public records exemptions; amending s. 288.1067, F.S.; expanding the public records exemption for incentive programs to include the Innovation Incentive Program under s. 288.1089, F.S.; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Commerce and Consumer Services; Community Affairs; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

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By Representative Evers and others—

**HB 1369**—A bill to be entitled An act relating to public records and public meetings; amending s. 119.071, F.S.; creating a temporary exemption from public records requirements for rejected bids and proposals received by a state agency if the agency reissues the invitation to bid or request for proposals; providing for review and repeal; providing a statement of public necessity; creating a temporary exemption from public records requirements for a competitive sealed reply in response to an invitation to negotiate; providing an extension of the temporary exemption if the agency reissues the invitation to negotiate; providing for review and repeal; providing a statement of public necessity; amending s. 286.0113, F.S.; creating an exemption from public meetings requirements for a meeting at which negotiation with a vendor is conducted; requiring a recording of the meeting; temporarily exempting the recording from disclosure; providing an extension of the temporary exemption under specified circumstances; providing for review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; General Government Appropriations; and Rules and Calendar.

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

## CO-INTRODUCERS

Senators Alexander—SJR 626; Atwater—SJR 626; Baker—SJR 626; Bennett—SJR 626; Campbell—SB 218; Diaz de la Portilla—SJR 626; Haridopolos—SJR 626; King—SJR 626; Klein—CS for CS for SB 142, SJR 194; Posey—SJR 626; Wise—SJR 626

## RECESS

On motion by Senator Pruitt, the Senate recessed at 7:40 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Tuesday, May 2 or upon call of the President.

## SENATE PAGES

May 1-5, 2006

Lewis Albright, Apopka; Whitnie Bell, Ft. Meade; Lillian "Lilly" Caldwell, Tallahassee; Allie Caldwell, Tallahassee; Abigail Carbonell, Orlando; William "Will" Comber, Milton, MA; Joshua Dolchin, Ft. Lauderdale; Vincent Evans, Middleburg; Ryan Drawdy, Groveland; Andrew Carlton Ferguson, Tallahassee; Sharon Green, Orlando; Samuel "Sam" Green, Orlando; Carson Hancock, Ft. Lauderdale; Sarah Hardy, Rockledge; Hannah Hodge, Plant City; Jessica Jones, Windermere; Robert

Keiser, Parkland; Courtney Newsome, Plant City; Michaelia Robinson, Tallahassee; William Santiago, Winter Garden; Juan Santiago, Winter Garden; Praiselynn "Praise" Santos, Orlando; Andrew Sebesta, St. Petersburg; Danielle Sewell, Groveland; Joy Swanson, Ft. Lauderdale; Elisabeth Thomas, Orlando; Elizabeth Webster, Orlando; John Webster, Orlando